

**THE CORPORATION OF THE
MUNICIPALITY OF WAWA**

BY-LAW NO. 2891-15

BEING A BY-LAW to regulate, govern, and restrict the operation of all-terrain vehicles within the Municipality of Wawa.

WHEREAS the Highway Traffic Act, O. Reg. 316/03 provides that the council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of all-terrain vehicles within the municipality including any highways therein or any parts thereof;

AND WHEREAS the Council of The Corporation of the Municipality of Wawa deems it expedient to regulate and govern the operation of all-terrain vehicles within the Municipality of Wawa;

AND WHEREAS the Council of The Corporation of the Municipality of Wawa considers expedient to prohibit the operation, parking or standing of all-terrain vehicles on highways and public parklands within a defined area;

AND WHEREAS Ontario Regulation 316/93 was amended through Ontario Regulation 135/15, and came into effect July 1, 2015;

NOWHEREFORE BE IT RESOLVED that the Council of The Corporation of the Municipality of Wawa enacts the following as a By-Law:

SECTION 1 – DEFINITIONS

1.01 In this By-Law:

- (a) "highway" 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;
- (b) "Off-Road Vehicles Act" means that the *Off-Road Vehicle Act, R.S.O. 1990, Chapter O.4*, as amended, and regulations there to;
- (c) "all-terrain vehicle" means an off-road vehicle that,
 - (i) has four wheels, the tires of all which are in contact with the ground,
 - (ii) has steering handlebars,
 - (iii) has a seat that is designed to be straddled by the driver, and
 - (iv) is designed to carry:
 - a. the 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 equipment with foot rests for the passenger that are separate from the foot rests for the driver.

- (d) "off road vehicle" means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,
 - (i) on not more than three wheels, or
 - (ii) on more than three wheels and being of a prescribed class of vehicle.

- (e) "multi-purpose off-highway utility vehicle" means an off-road vehicle that,
 - (i) has four or more wheels, the tires of which are all in contact with the ground;
 - (ii) has a steering wheel for steering control;
 - (iii) has seats that are not designed to be straddled, and
 - (iv) has a minimum cargo capacity of 159 kilograms.

- (f) "municipality" means the Municipality of Wawa;

- (g) "Police Service" means the Ontario Provincial Police;

- (h) "Provincial Offences Act" means the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*, as amended, and regulations thereto;

- (i) "public parkland" means land owned by the municipality and shall include:
 - (i) all parks owned by the Municipality of Wawa;
 - (ii) all cemeteries;

- (j) "recreational off-highway vehicle" means an off-road vehicle that,
 - (i) has four or more wheels, the tires of which are all in contact with the ground;
 - (ii) has a steering wheel for steering control;
 - (iii) has seats that are not designed to be straddled, and
 - (iv) has an engine displacement equal to or less than 1,000 cubic centimetres.

- (k) "seat belt assembly" means a device or assembly composed of strap or straps, webbing or similar materials that restrains the movement of a person in order to prevent or mitigate injury to the person.

- (l) "serviced roadway" means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, and includes the plowed portion of the shoulder, and where a highway includes two or more

separate serviced roadways, the term "serviced roadway" refers to any one serviced roadway separately and not all the serviced roadways collectively;

- (m) "trail" means the whole of any trail established and maintained by a recreational organization for the use of all-terrain vehicles.

SECTION 2 – REGULATION OF ALL-TERRAIN VEHICLES, MULTI-PURPOSE OFF-HIGHWAY UTILITY VEHICLES, AND RECREATIONAL OFF-HIGHWAY VEHICLES

- 2.01 An all-terrain vehicles, multi-purpose off-highway utility vehicles or recreational off-highway vehicles shall not be operated on highways unless it meets the requirements of Ontario Regulation No. 316/03 and Ontario Regulation 135/15, Operation of Off-Road Vehicles on Highways.
- 2.02 Every person in charge of an all-terrain vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle shall promptly obey all signals given by a law enforcement officer for the purposes of directing or regulating all-terrain vehicles, and shall comply with the requirements of every sign, symbol and mark legally erected or placed for the purpose of regulating, directing, prohibiting, or permitting all-terrain vehicles, multi-purpose off-highway utility vehicles or recreational off-highway vehicles.

SECTION 3 – GENERAL

- 3.01 Operation of all-terrain vehicles, multi-purpose off-highway utility vehicles or recreational off-highway vehicles shall be permitted, by by-law, upon all highways under the jurisdiction of the Corporation of the Municipality of Wawa. The operation of all-terrain vehicles, multi-purpose off-highway utility vehicles or recreational off-highway vehicles shall be permitted on the extreme right-hand side of the highway road surface only and in accordance with Ontario Regulation 316/03 (and 135/15) of the *Highway Traffic Act* and the *Off Road Vehicle Act*, as amended. All-terrain vehicles, multi-purpose off-highway utility vehicles or recreational off-highway vehicles are restricted to the parking areas only of any public park or parkland.
- 3.02 The use of all-terrain vehicles, multi-purpose off-highway utility vehicles or recreational off-highway vehicles used for sidewalk or driveway clearing of the accumulation of snow in the Municipality of Wawa is permitted, subject to the use being in compliance with all applicable provincial laws and regulations. For snow removal purposes (private property exempted), every driver shall ensure the all-terrain vehicle is equipped with a lamp that produces flashes of blue light.

3.03 Every driver in charge of an all-terrain vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle who resides on a restricted street as identified in Schedule "A" shall be permitted to travel or cross the restricted street to access a permitted street or trail.

3.04 No person shall drive an all-terrain vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle in any restricted area as identified in Schedule "A", provided that signs have been erected and clearly indicate the prohibited highway, serviced roadway and public parkland.

SECTION 4 – PENALTIES

4.01 Every person who contravenes any provision of this By-Law is guilty of an offence and shall be liable upon conviction to a fine that is consistent with the general penalty provision found under the *Provincial Offences Act*.

SECTION 5 – VALIDITY

5.01 If any section, clause or provision of this by-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

SECTION 6 – EFFECTIVE DATE


6.01 That this by-law shall come into force and take effect immediately upon the passing thereof by the Council for The Corporation of the Municipality of Wawa.

SECTION 7 – REPEAL BY-LAWS

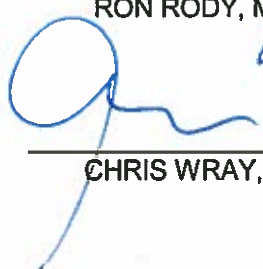
7.01 That Municipality of Wawa By-Law No. 2498-11 be and is hereby repealed.

READ a first, second and third time and be finally passed this 2nd day of February, 2015.





RON RODY, MAYOR



CHRIS WRAY, CLERK

ALL-TERRAIN VEHICLES PROHIBITIONS
(Not Effective Until Signs Are Erected)

That the owner or operator of an all-terrain vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle who drives, crosses, parks or stands an all-terrain vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle on any of the highways or streets, parts of streets or sides of streets or public parklands as provided for hereunder is hereby declared to have contravened the provisions of this By-Law.

PROHIBITED STREETS	FROM	TO
1. Broadway Avenue (Except at Intersections)	Main Street	Algoma Street
2. Mission Road (Except at Intersections)	Broadway Avenue/ Main Street	Chris Simon Drive
3. Any sidewalk or public walkway in the municipality (Except for snow removal purposes)		

PROHIBITED AREAS
1. Queen's Park
2. Centennial Park
3. Centennial Sportsfield
4. Beck Park
5. Mission Park, Michipicoten River Village
6. Mr. Vallee Park
7. St. Margaret Mary Cemetery
8. Woodland Cemetery
9. McKenzie Cemetery
10. St. Margaret Cemetery
11. Lighthouse Keeper's Grave
12. Tremblay Cemetery
13. Wawa Municipal Airport, except the designated parking area
14. Regional Tourist Information Centre, except the designated parking area
15. Broadway Avenue Park (adjacent to the cul-du-sac)
16. Broadway Avenue Heritage Corner
17. Wawa Lake Beachfront (includes Lion's Beach and Dr. Rose's Beach)
18. Scenic High Falls