

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT (Report #)

DATE: June 1, 2021
TO: Committee of the Whole
FROM: Cory Smith, A/Director of Public Works
SUBJECT: Review of ATV By-Law

RECOMMENDATION:

THAT Committee of the Whole accept the updates submitted by staff to By-Law 13-108, as amended by By-Law 19-40; and that By-Law 13-108, as amended by 19-40, be rescinded and replaced with the revised By-Law.

BACKGROUND:

Staff was directed by Council to review By-Law 13-108, being a by-law to regulate operations of all-terrain vehicles on Highways under the jurisdiction of the Municipality of Mississippi Mills. Staff reviewed the existing by-law, previous reports to council and other relevant information. The review of By-Law 13-108 was prompted by a requirement of the by-law itself to have periodic reviews, in addition to a recommendation by the Ontario Provincial Police to review the existing by-law and develop a short form by-law with a schedule of set fines to simplify enforcement of the by-law.

DISCUSSION:

Staff worked with Municipal Law Enforcement Services (MLES) to review and update the existing by-law. The focus was to make general administrative amendments, remove section 5.1, create set fines and short form wording. Section 5.1 was no longer required as it was a requirement to review the By-Law within 1 year from its enactment. This section was no longer valid. Short form wording with a schedule of set fines was developed in conjunction with MLES. A copy of the revised By-Law and Short form wording have been attached to this report.

OPTIONS:

1. Committee of the Whole can accept the updated by-law and short form wording as written, or:

2. Committee of the Whole can provide recommendations for further changes and staff will complete the updates.

FINANCIAL IMPLICATIONS:

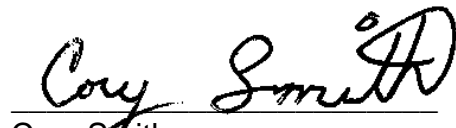
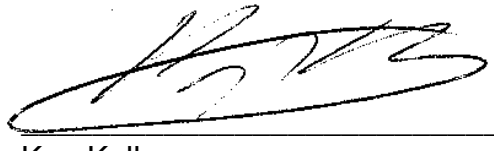
There are no financial implications related to this report.

SUMMARY:

Staff have reviewed and updated By-Law 13-108 as amended by By-Law 19-40, with administrative amendments and the inclusion of short form wording to include a set schedule of fines.

Respectfully submitted,

Approved by,


Cory Smith,
A/Director of Public Works
Ken Kelly,
CAO

ATTACHMENTS:

1. Draft ATV By-Law
2. Draft Short Form Wording

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

BY-LAW NO. 21-XXX

BEING a by-law to regulate the operations of all-terrain vehicles on all highways under the jurisdiction of the Municipality of Mississippi Mills.

WHEREAS Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, Ch.8, as amended, provides that a municipality may pass by-laws;

- i) Permitting the operation of off-road vehicles with low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality or on any part or parts of such highway.

NOW THEREFORE the Council of the Corporation of the Municipality of Mississippi Mills enacts as follows:

1. Jurisdiction

- 1.1 This By-law regulates the use of all-terrain vehicles on all highways under the jurisdiction of the Municipality of Mississippi Mills only.
- 1.2 This By-law does NOT provide authority for:
 - a) Provincial highways
 - b) County of Lanark, upper tier municipality, highways
 - c) Private roads
 - d) Any highways situated outside the Municipality of Mississippi Mills including the portion of any boundary road not owned by the Municipality of Mississippi Mills.

2. Definitions

- 2.1 "All-terrain vehicle", also referred to as "ATV", shall have the same meaning as defined in Ontario Regulation 316/03.
- 2.2 "Highway" shall have the same meaning as defined in the Highway Traffic Act.
- 2.3 "Low Pressure Bearing Tire" shall have the same meaning as defined in the Highway Traffic Act.
- 2.4 "Off-Road Vehicle" shall have the same meaning as defined in Ontario Regulation 316/03.

- 2.5 Whenever certain hours are specified in this By-law, they shall mean Standard Time or Daylight Saving Time, whichever is then in effect in the Municipality.

3. Regulation of All-Terrain Vehicles on Highways

- 3.1 No person shall operate an all-terrain vehicle on a highway in contravention of O. Reg. 316/03, made under the *Highway Traffic Act* as amended or replaced from time to time.
- 3.2 Every person who operates an all-terrain vehicle on a highway under the jurisdiction of the Municipality of Mississippi Mills shall comply with the following provisions:
- a. An all-terrain shall have visible reflective strips maintained on all four sides of the vehicles;
 - b. An all-terrain vehicle shall NOT have chains or studs on its tires.
- 3.3 Curfew. Despite any section in this By-law, no person shall operate an all-terrain vehicle on a highway between the hours of 11:00 p.m. on any day and 4:00 a.m. of the next following day.
- 3.4 Boundary Roads. Regulations will be posted on boundary roads by the Municipality of Mississippi Mills where the regulations under All Terrain Vehicles By-laws are different or non-existent in neighbouring municipalities.

4. Penalties

- 4.1 Any person who contravenes the Highway Traffic Act or its Regulations or this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

5. Validity

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.

6. Where any By-law, passed prior to this By-law, conflicts with the terms of this By-law, this By-law shall prevail.

7. That this By-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Municipality of Mississippi Mills.

BY-LAW READ, passed, signed and sealed in open Council this ____ day of May, 2021.

Mayor

Municipality Clerk

SCHEDULE “A”

TO BY-LAW 21-XXX

The use of All-Terrain Vehicles, in accordance with the *Highway Traffic Act* and Ontario Regulation 613/03 and as stipulated in this by-law is permitted on all highways, under the jurisdiction of the Corporation of the Municipality of Mississippi Mills, except:

ITEM	HIGHWAY NAME	FROM	TO	COMMENTS
1.	Golden Line Road	McArton Road	March Road	Boundary Road - Ottawa
2.	Head Pond Road South	Ryan Duncan Side Road	Dead End	Boundary Road - Ottawa
3.	Lunney Road	Shaw Road	Dead End	Boundary Road - Ottawa
4.	Rock Coady Trail	Panmure Road	Dead End	Boundary Road - Ottawa
5.	Timmins Road	Kinburn Side Road	Dead End	Boundary Road - Ottawa
6.	Walter Bradley Road	County Road 29	Dead End	Boundary Road - Ottawa
7.	All roads lying within the boundary of the Almonte Ward as designated within the Official Plan			
8.	All roads lying within the boundary of the Village of Pakenham as designated within the Official Plan			

MUNICIPALITY OF
MISSISSIPPI MILLS

PROVINCIAL OFFENSES ACT

PART I

BY-LAW NO. 21-XXX

A by-law to regulate the operations of all- terrain vehicles on all highways under the jurisdiction of the Town of Mississippi Mills.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1.	Operate ATV - reflective strips not visible on all four sides of vehicle	Section 3.2 (a)	\$150.00
2.	Operate ATV - with chains or studs on tires.	Section 3.2 (b)	\$150.00
3.	Operate ATV on a highway during prohibited times.	Section 3.3	\$200.00
4.	Operate ATV on a prohibited highway	SCHEDULE "A"	\$250.00

*Note: The penalty provision for the offences indicated above is Section 4 of By-law 13-108, a certified copy of which has been filed.