

# THE CITY OF TIMMINS

## BY-LAW No. 2024-8954

### ***BEING A BY-LAW to authorize the Corporation of the City of Timmins to regulate the operation of off-road vehicles in the City of Timmins***

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**WHEREAS** the Highway Traffic Act, R.S.O 1990, c. H.8 Section 191.8(3), provides that a municipality may pass By-laws permitting certain off-road vehicles on highways under the jurisdiction of the municipality and providing speed limits for such vehicles;

**WHEREAS** the Council of The Corporation of the City of Timmins considers it desirable to regulate, govern and prohibit off-road vehicles on city highways as specified in this by-law; and

**NOW THEREFORE** the Council of The Corporation of the City of Timmins enacts the following as a By-law:

1. Definitions in this by- law:
  - a. " City" means the City of Timmins
  - b. " City owned property" means lands owned by the City such as cemeteries, urban parks, playgrounds, parkettes, athletic fields or monuments.
  - c. " driver's licence" means a valid and subsisting licence to drive a motor vehicle on a highway issued under the authority of the Highway Traffic Act
  - d. " highway" means a common and public highway, street, avenue, parkway, boulevard, driveway, square, place bridge, viaduct or trestle, any part of which is intended for use by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
  - e. " off-road vehicle" (ORV) are year-round utility and recreational vehicles that include
    - i. single rider all-terrain vehicles (ATV)
    - ii. two-up all-terrain vehicles (ATV)
    - iii. utility terrain vehicles (UTV)
    - iv. recreational off highway vehicles (ROV)
    - v. extreme-terrain vehicles (XTV)
    - vi. off-road motorcycles (ORM)
  - f. " private Property" means property or land owned by a person, group or corporation kept for their exclusive use.
  - g. " Serviced roadway" means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, and includes the ploughed 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 to all of the serviced roadways collectively.

- h. "sidewalk" means a path or strip of land paved or otherwise in, on or alongside a highway and designed and intended for or used by the general public for pedestrian. in addition, sidewalk includes any property in the city that is or hereafter may be physically set apart or made available and intended for pedestrians use and to include walkways.
  - i. "trail" means the whole of any trail established and maintained by a recreational organization for the use of off-road vehicles.
  - j. "trail permit" means a permit issued in accordance with Ontario Federation of All Terrain Vehicle (OFATV).
- 2. Every person shall operate an off-road vehicle (ORV) in accordance with this by-law in the City of Timmins.
- 3. Every person shall operate an off-road vehicle on the highways in the City of Timmins in accordance with the attached schedules.
- 4. No person shall operate an off-road vehicle on any City owned property as defined in this by- law unless such property is included in the attached schedules.
- 5. Every person who operates an off-road vehicle in accordance with this by-law shall be trying to access an ATV trail or requiring access to their residence or a local service/ business while using the ATV trail.
- 6. No person shall operate an off-road vehicle on the highways identified in the attached schedules between the hours of 10: 00 p.m. to 7: 00 a.m.
- 7. No person shall operate an off-road vehicle on private property unless the operator of the vehicle is owner of the property.
- 8. No person shall operate an off-road vehicle at a speed greater than 20 km/hr on highways in the City of Timmins.
- 9. Every operator of an off-road vehicle operating a vehicle in accordance with this by-law shall be at least 16 years of age an possess a valid driver's licence.
- 10. In the event of any inconsistency or discrepancy between this by- law and the Highway Traffic Act the Act shall apply.
- 11. No person shall operate an off-road vehicle in accordance with this by- law without obtaining a trail permit from the Ontario Federation of All Terrain Vehicle (OFATV).
- 12. THAT the provisions of this by-law shall only apply once the ATV trails in the Timmins area have been opened for use by the Timmins ATV Club and further that the provisions shall cease once the Timmins ATV Club has closed the trails for the season.

13. Every person who contravenes any provision of this by- law is guilty of an offence and on conviction where a fine for the contravention is not otherwise provided for herein is liable to a fine not exceeding \$ 1,000.00.
14. Off-road vehicles will be permitted to use Timmins ATV Club trails within the Timmins city limits once trails are open for the season and valid OFATV permit has been purchased.
15. THAT any by-law previously enacted not consistent with this by- law is hereby repealed.
16. THAT this by-law shall take full force and effect on the date it is enacted.

**READ** a first and second time this 16<sup>th</sup> day of April, 2024.

**READ** a third and final time and enacted and passed this 16<sup>th</sup> day of April, 2024.

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**MAYOR (Michelle Boileau)**

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**DEPUTY CLERK (Dave Landers)**



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**CERTIFIED TRUE COPY  
OF BY-LAW NO. 2024-8954**

**(SGD) MICHELLE BOILEAU  
MAYOR**

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**DEPUTY CLERK**

**(SGD) DAVE LANDERS  
DEPUTY CLERK**





**Legend**

- Timmins Roads
- Final Trails ATV Status**
  - ▬ Proposed ATV Trail
  - ▬ ATV Trail
  - ▬ Proposed Streets
- ▭ Lake/River
- Proposed Street Access Phase**
  - ▭ 1
  - ▭ 2
  - ▭ 3

