

# The Corporation of the Township of Huron-Kinloss



## BY-LAW

2021-90

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### Being a By-law to Regulate Golf Car use within the the Township of Huron-Kinloss

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**WHEREAS** the Township of Huron-Kinloss (the “**Township**”) wishes to permit the use of golf cars on specified municipal highways under its jurisdiction within the geographic limits of the Township and on certain terms and conditions;

**AND WHEREAS** Her Majesty the Queen in right of Ontario as represented by the Ministry of Transportation (the “**Ministry**”) filed Ontario Regulation 407/21: Pilot Project – Golf Cars (the “**Regulation**”) on June 3, 2021, which came into force on the day that it was filed;

**AND WHEREAS** the Regulation permits the use of “golf cars” as defined therein on highways within the Township on the terms and conditions set out in the Regulation, provided that the Township has enacted a By-Law to establish such permission;

**AND WHEREAS** Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “**Municipal Act**”) provides that powers of a municipality under the *Municipal Act* or any other act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

**NOW THEREFORE** the Council of The Corporation of the Township of Huron-Kinloss enacts as follows:

#### **1. DEFINITIONS**

In addition to the terms defined in the recitals above, the following definitions shall apply herein:

“**By-Law Enforcement Officer**” means a person designated by the Township and appointed by the Ministry to enforce the provisions of this By-law;

“**Golf Car**” means a motor vehicle that is intended for use primarily on golf courses or on roadways where access and use of other motor vehicles is controlled;

“**Permit**” means a permit issued by the Township, on such terms and conditions as established by the Township’s Clerk from time to time; and

“**Person**” means an individual, corporation, partnership, association or organization.

#### **2. PERMISSIONS**

2.1 The Township hereby authorizes the use of Golf Cars on the highways under the jurisdiction of the Township on which the prescribed rate of speed is 50 kilometres per hour or lower, from the period from May 1 to November 30 each year, inclusive, provided that a Permit has first been obtained for the Golf Car.

- 2.2 All persons operating Golf Carts in accordance with the provisions of this By-law shall conform in all respects to the requirements of the Regulation, as amended from time to time, a copy of which is attached as Schedule "A" hereto.
- 2.3 The Township hereby delegates to the Township Clerk the authority to establish a form of Permit for the use of Golf Cars on Township highways as permitted herein, which may be issued upon satisfaction of the terms and conditions established by the Clerk for the issuance of such Permits and payment of the fee prescribed under the Township's Consolidated Rates and Fees By-law.
- 2.4 Proof of a Permit shall be affixed to or carried on each Golf Car that has been issued a Permit.
- 2.5 The Township's Clerk or By-law Enforcement Officer is authorized to revoke a Permit if they believe, in their sole discretion, that the provisions of this By-law have been contravened.

### **3. PROHIBITIONS**

- 3.1 No person shall use a Golf Car on any Township highway not authorized pursuant to Schedule "A" hereto, or in a manner not permitted by or in full compliance with the Regulation.
- 3.2 No person shall use a Golf Car on any Township highway without a Permit issued by the Township.

### **4. ENFORCEMENT, INSPECTION AND MAINTENANCE**

- 4.1 The provisions of this By-law may be enforced by the Township's By-Law Enforcement Officer or a police officer.

### **5. OFFENCE AND PENALTY**

- 5.1 Every person who contravenes any provisions of this By-law is guilty of an offence, and subject to prosecution under and the penalties as prescribed in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and the *Provincial Offences Act*, R.S.O 1990, c. P.33, as amended.

### **6. SEVERABILITY**

- 6.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be unlawful or inoperative in whole or in part, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

### **7. MISCELLANEOUS**

- 7.1 This by-law shall come into full force and effect on September 7, 2021.
- 7.2 This by-law may be cited as the "Golf Car By-Law".

**READ a FIRST and SECOND TIME** this 16<sup>th</sup> day of August, 2021.

**READ a THIRD TIME and FINALLY PASSED** this 16<sup>th</sup> day of August, 2021.

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Mitch Twolan, Mayor

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Emily Dance, Clerk

**ONTARIO REGULATION 407/21**

made under the

**HIGHWAY TRAFFIC ACT**

Made: June 3, 2021

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**PILOT PROJECT - GOLF CARS**

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**Definition**

**1.** In this Regulation,

“golf car” means a motor vehicle that is intended for use primarily on golf courses or on roadways where access and use of other motor vehicles is controlled.

**Pilot project**

**2.** (1) A pilot project is established to evaluate the use on highways of golf cars that,

- (a) have been manufactured in accordance with the manufacturer's requirements set out in Part III of the document entitled “American National Standard for Golf Cars — Safety and Performance Specifications ANSI/ILTV Z130.1-2012” approved by the American National Standards Institute on March 13, 2012; and
- (b) have an electric motor or internal combustion engine that is,
  - (i) incapable of propelling the vehicle at a rate of speed of 32 kilometres per hour or greater on a level surface, or
  - (ii) speed-modified to prevent the vehicle from attaining a rate of speed of 32 kilometres per hour or greater on a level surface.

(2) The Minister shall conduct and complete an evaluation of the use of golf cars on highways under this Regulation on or before the 10th anniversary of the day this Regulation is filed.

**Exemptions**

**3.** A person is exempt from the following provisions of the Act in respect of a golf car that is part of the pilot project established under section 2:

- 1. Part II (Permits).
- 2. Part VI (Equipment) other than sections 64, 69, 75, 76, 78, 78.1, 79.2, 82, 84, 84.2, 84.3 and 106.

3. Section 132.

**Prohibitions**

4. (1) No person shall drive or permit the operation of a golf car on a highway, except as permitted by this Regulation.

(2) No person shall drive or permit the operation of a golf car on a highway unless,

- (a) the highway is under the jurisdiction of the municipality of,
  - (i) the Township of Pelee, or
  - (ii) the Township of Huron-Kinloss; and
- (b) a by-law of the municipality permits the golf car to be driven on the highway.

(3) Despite subsection (2), no person shall drive or permit the operation of a golf car on,

- (a) those parts of the controlled-access highways described in Schedule 1 to Regulation 627 of the Revised Regulations of Ontario, 1990 (Use of Controlled-Access Highways by Pedestrians) made under the Act;
- (b) those parts of the controlled-access highways described in Schedule 1 to Regulation 630 of the Revised Regulations of Ontario, 1990 (Vehicles on Controlled-Access Highways) made under the Act; or
- (c) any highway to which access by pedestrians or bicycles is prohibited under any Act, regulation or municipal by-law.

(4) No person shall sell, let, lease or offer or display for sale, letting or leasing a golf car for use on a highway unless,

- (a) it is a golf car described in section 2; and
- (b) the safety instructions in respect of the golf car are displayed in a clearly visible location on the golf car.

**Permitted use**

5. (1) A person who holds a valid Class A, B, C, D, E, F or G driver's licence may drive a golf car on a highway for which the prescribed rate of speed is 50 kilometres per hour or lower.

(2) A person driving a golf car on a highway in accordance with subsection (1) may drive the golf car through an intersection with a highway for which the prescribed rate of speed is greater than 50 kilometres per hour but not more than 80 kilometres per hour, if the intersection of the two highways is controlled by,

- (a) a traffic control signal; or
- (b) stop signs or other traffic control devices that control traffic in all directions.

**Restrictions on use**

6. (1) The following restrictions apply to the operation of a golf car under this Regulation:

- 1. The golf car shall be driven in the right-hand lane, when available for traffic, or as close as possible to the right-hand curb or edge of the roadway.
- 2. The golf car shall not be driven while carrying a child passenger younger than eight years old.
- 3. The golf car shall not be driven while carrying more occupants than the number of seating positions in the golf car, or more than six occupants, whichever is less.
- 4. The golf car shall not be driven while towing another vehicle or device.
- 5. The golf car shall not be driven during a licencing examination.
- 6. The golf car shall not be driven unless a slow-moving vehicle sign is attached to the rear of the golf car.
- 7. The golf car shall not be driven unless its daytime running lights are illuminated when the golf car is in motion.
- 8. If the golf car is manufactured with seat belts, the golf car shall not be driven unless the seat belts are worn by the driver and passengers.
- 9. The golf car shall not be driven during the months of December, January, February and March in any year.
- 10. The golf car shall not be driven while carrying any combustible fuel on or in the golf car.

(2) Paragraph 1 of subsection (1) does not apply to a driver of a golf car while preparing for a left turn at an intersection or into a private road or driveway.

(3) Paragraph 10 of subsection (1) does not apply in respect of combustible fuel that is in the fuel tank of the golf car.

**Specifications**

7. (1) No person shall drive or permit the operation of a golf car on a highway unless the golf car has,

- (a) a steering wheel;
- (b) seating for two to six individuals;
- (c) service brakes;
- (d) parking or emergency brakes;
- (e) four tires that,

(i) meet the requirements of Regulation 625 of the Revised Regulations of Ontario, 1990 (Tire Standards and Specifications), made under the Act, and

(ii) are in contact with the highway;

(f) a rear-view mirror;

(g) a horn;

(h) daytime running lights;

(i) turn signal lights;

(j) brake lights; and

(k) reflectors.

(2) Sections 6 and 7 of Regulation 625 do not apply in respect of tires referred to in clause (1) (e).

#### **Lamps**

8. (1) No person shall drive or permit the operation of a golf car on a highway during the time periods described in subsection (2), unless the golf car carries in a conspicuous position on the left side of the golf car,

(a) a lighted lamp displaying a white light to the front and a red light to the rear; or

(b) a lighted lamp displaying a white light to the front and a lighted lamp displaying a red light to the rear.

(2) Subsection (1) applies any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less.

(3) A lamp required by subsection (1) shall be clearly visible at a distance of at least 150 metres from the front and the rear of the vehicle, as the case may be.

#### **Modifications**

9. (1) No person shall modify or permit the modification of a golf car unless the modification is in accordance with the original equipment manufacturer's operations and service manuals.

(2) Despite subsection (1), no person shall modify or permit the modification of a golf car,

(a) to remove or render partly or wholly inoperable a component, equipment or other feature of a golf car that is required to drive the golf car as permitted by this Regulation; or

(b) in a manner that affects the seating capacity or safe operation of the golf car.

(3) No person shall modify a golf car unless the person has training and expertise in modifying golf cars.

(4) A person who modifies a golf car shall,

(a) maintain a permanent record of each design, test and implementation of the modification;

(b) make changes to the equipment manufacturer's operations and service manuals to reflect the modification; and

(c) affix a permanent and readily visible label on the golf car that sets out,

(i) that the golf car has been modified,

(ii) the date of the modification, and

(iii) the name of the person who performed the modification.

#### **Preventative maintenance**

10. (1) Every owner of a golf car who drives or permits operation of the golf car on a highway shall,

(a) ensure that the golf car is in good working order;

(b) ensure that all safety labels, serial numbers and safety instructions provided by the manufacturer of the golf car are legible;

(c) if it is necessary to replace an item described in clause (b),

(i) contact the manufacturer to obtain the replacement, and

(ii) ensure that the replacement is displayed on the golf car in the location set out in the owner's manual or, if no location is set out, in a location that is clearly visible;

(d) ensure that the golf car undergoes regular maintenance by a person trained to inspect, adjust and maintain golf cars; and

(e) retain the record described in subsection (3) for 10 years.

(2) A person performing maintenance on a golf car shall,

(a) follow all maintenance and safety procedures set out in the equipment manufacturer's operations and service manuals; and

(b) prepare the record described in subsection (3) and provide it to the owner of the golf car.

(3) A maintenance record shall contain,

- (a) a description of the maintenance performed;
- (b) the name of the person who performed the maintenance; and
- (c) the date on which the maintenance was performed.

**Driver to stop for police officer**

**11.** Every driver of a golf car shall stop when required to do so by a police officer and shall, on the demand of the police officer, surrender their driver's licence for reasonable inspection by the officer.

**Duty to report accident**

**12.** (1) If a golf car is involved in an accident with a pedestrian, animal or vehicle that results in personal injury or property damage, the operator of the golf car shall forthwith report the accident to a police officer and furnish him or her with the information concerning the accident as may be required by the officer under subsection (2).

(2) A police officer receiving a report of an accident, as required by this section, shall secure from the person making the report, or by other inquiries if necessary, the particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and the other information that may be necessary to complete a written report concerning the accident and shall forward the report to the Registrar within 10 days of the accident.

(3) The report of a police officer under subsection (2) shall be in the form that is approved by the Minister.

**Reports**

**13.** (1) No later than March 1 in each year, the municipalities of the Township of Pelee and the Township of Huron-Kinloss shall each submit a report to the Minister in respect of the use of golf cars in the municipality during the previous calendar year.

(2) The report shall be in writing and shall address any aspect of the use of golf cars that has been specified by the Minister.

**Revocation**

**14. This Regulation is revoked.**

**Commencement**

**15.** (1) Subject to subsection (2), this Regulation comes into force on the day it is filed.

(2) Section 14 comes into force 10 years after the day this Regulation is filed.

Français