

THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC

BY-LAW #63-15

**BEING A BY-LAW TO REPEAL BY-LAW #51-04 AND TO ESTABLISH A
POLICY TO REGULATE THE OPERATION OF OFF-ROAD VEHICLES (ORVs)
ON MUNICIPAL HIGHWAYS WITHIN THE TOWNSHIP OF NORTH
FRONTENAC**

WHEREAS pursuant to Section 191.8 (3) of the *Highway Traffic Act*, R.S.O. 1990, c.8, as amended, the Council of a Municipality may pass by-laws permitting the operation and regulating the rate of speed of off-road vehicles on any highway within the municipality that is under the jurisdiction of a municipality, or on any part or parts of such highway;

AND WHEREAS pursuant to Section 191.8 (4) of the *Highway Traffic Act*, R.S.O. 1990 c.8, as amended, a by-law passed under subsection 191.8 (3) of the *Highway Traffic Act* may permit the operation of off-road vehicles on any highway or on any part or parts of a highway only during specified months or hours;

AND WHEREAS Ontario Regulation 316/03 and Ontario Regulation 135/15 applies to the operation of off-road vehicles on highways;

AND WHEREAS Council deems it expedient to pass a by-law to regulate the operation of off-road vehicles on highways under the jurisdiction of the municipality;

NOW THEREFORE the Council of The Corporation of the Township of North Frontenac does hereby adopt the "Policy to Regulate the Operation of Off-Road Vehicles (ORVs) on Municipal Highways within the Township of North Frontenac" attached hereto as Schedule "A";

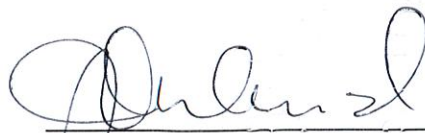
AND THAT all resolution, by-laws or parts of by-laws, which are contrary to or inconsistent with this by-law are hereby repealed;

AND THAT this By-Law shall come into force and take effect on July 1, 2015;

READ A FIRST AND SECOND TIME, THIS 29TH DAY OF JUNE, 2015.

READ A THIRD TIME AND FINALLY PASSED THIS 29TH DAY OF JUNE, 2015.


MAYOR


CLERK

SCHEDULE 'A' TO
BY-LAW #63-15

**POLICY TO REGULATE THE OPERATION OF OFF-ROAD VEHICLES (ORVs)
ON MUNICIPAL HIGHWAYS WITHIN THE TOWNSHIP OF NORTH
FRONTENAC**

A. DEFINITIONS

In this Policy:

All-Terrain Vehicle (ATV) means an Off-Road Vehicle (ORV) that:

- a) has four wheels, the tires of which are all in contact with the ground;
- b) has steering handlebars;
- c) has a seat that is designed to be straddled by the driver; and
- d) is designed to carry:
 - (i) a driver only and no passengers, or
 - (ii) a driver and only one passenger, if the vehicle,
 - A. has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
 - B. is equipped with foot rests for the passenger that are separate from the foot rests for the driver.

Highway includes a common and public highway, street, avenue, parkway, and driveway, any part of which is maintained by and under the jurisdiction of the municipality and which is used by the general public for the passage of vehicles and includes the area between the lateral lines thereof.

Low Pressure Bearing Tire means wide, balloon type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressure of no greater than 70 kpa (10 psi).

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.

Municipality means the Corporation of the Township of North Frontenac.

Off-Road Vehicle (ORV) means a vehicle propelled or driven otherwise than by muscular power or wind or designed to travel on more than three wheels and being of a prescribed class of vehicle; and includes single-rider ATVs, two-up ATVs, side-by-side ATVs, and utility-terrain vehicles (UTVs).

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.

Seat Belt Assembly means a device or assembly composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person.

B. PERMITTED HIGHWAYS FOR ORVs

- 1. Off-Road Vehicles shall not be permitted to operate on any highway with the Township of North Frontenac except as provided in this by-law or under the *Highway Traffic Act* and regulations made thereunder.
- 2. Off-Road Vehicles shall be permitted upon highways within the Township of North Frontenac in accordance with this by-law, Ontario Regulation 316/03 and 135/15, the *Highway Traffic Act* and the *Off-Road Vehicles Act*, as amended.

C. EQUIPMENT REQUIREMENTS

- 1. If the ORV is a multi-purpose off-highway utility vehicle, it must:
 - a) weigh 1,814 kilograms or less; and
 - b) have an overall width not greater than 2.03 meters, excluding mirrors.
- 2. If the ORV is a recreational off-highway vehicle, it must:
 - a) weigh 1,700 kilograms or less; and
 - b) have an overall width not greater than 2.03 meters, excluding mirrors.

D. OPERATION REQUIREMENTS

- 1. The ORV shall not be operated on a highway unless a permit under section 5 of the *Off-Road Vehicles Act* has been issued in respect of that vehicle and a number plate showing the number of the permit is displayed on the vehicle.
- 2. Drivers operating a permitted Off-Road Vehicle along a road or highway must hold at least a G2 or M2 driver's licence, and their Off-Road Vehicle must be registered and insured.
- 3. If the holder of the Class G2 or Class M2 driver's licence has held a valid driver's licence of that class for the immediately preceding six months or longer, the maximum number of passengers under the age of 20 allowed is three.
- 4. The driver of the ORV and every passenger on the vehicle shall wear a helmet.
- 5. No person shall drive an ORV on a highway with a passenger on the vehicle unless the passenger is wearing a helmet.

6. Every passenger on a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle on a highway shall:
 - a) occupy a seating position for which a seat belt assembly has been provided; and
 - b) wear the complete seat belt assembly as required.
7. No person shall drive a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle on a highway unless he or she is wearing a complete seat belt assembly.
8. No person shall drive a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle on a highway with a passenger on the vehicle, unless the passenger is:
 - a) occupying a seating position for which a seat belt assembly has been provided;
 - b) wearing the complete seat belt assembly.
9. A seat belt assembly shall be worn so that:
 - a) the strap of each restraint is securely fastened and worn firmly against the body in the intended position; and
 - b) no more than one person is wearing any strap of the seat belt assembly at any one time.
10. No person shall drive an all-terrain vehicle on a highway with a passenger on the vehicle unless:
 - a) the vehicle is designed to carry both a driver and a passenger; and
 - b) the passenger is straddling the passenger seat behind the driver while facing forward with his or her feet securely on the separate foot rests intended for the passenger.
11. No person shall drive an ORV on a highway with a passenger on the vehicle who is under the age of eight.
12. No person shall drive an ORV on a highway while it is towing a trailer or any other attachment if there is a passenger on the trailer or other attachment.

E. REGULATION OF OFF-ROAD VEHICLES ON HIGHWAYS

1. An Off-Road Vehicle operated on a highway must meet the equipment requirements of Sections 3 and 4 of Ontario Regulation 135/15 and be operated in accordance with Sections 5 to 7 of Ontario Regulation 135/15.
2. An Off-Road Vehicle shall not be driven on a highway at a rate of speed greater than:

- a) 20 kilometers per hour if the speed limit established under the *Highway Traffic Act* or by municipal by-law for that part of the highway is not greater than 50 kilometers per hour, or
 - b) 50 kilometers per hour if the speed limit established under the *Highway Traffic Act* or by municipal by-law for that part of the highway is greater than 50 kilometers per hour.
3. An Off-Road Vehicle shall not be operated on any highways between the hours of 11:00 pm and 6:00 am of the next day;
4. The ORV shall be driven on the shoulder of the highway in the same direction as the traffic using the same side of the highway.
5. The ORV may be driven on the roadway in the same direction as the traffic using the same side of the highway if:
 - a) there is no shoulder;
 - b) the shoulder of the highway is obstructed and cannot be used by the off-road vehicle;
 - c) the shoulder is not wide enough to allow the ORV to be driven with all of its tires remaining completely off of the roadway.
6. When driven on the shoulder of the highway, the ORV shall be driven as close to and parallel with the right edge of the shoulder as can be done practicably and safely.
7. When driven on the roadway, the ORV shall be driven as close to and parallel with the right edge of the roadway as can be done practicably and safely.
8. The ORV shall not be driven in the median strip of the highway.

F. ENVIRONMENTAL PROTECTION

Per Section 23 (1) of Ontario Regulation (O. Reg.) 316/03 as amended by O. Reg. 135/15:

1. The off-road vehicle shall not be operated in such a manner as to,
 - a) discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment that may have an adverse effect on the environment or impair the quality of any waters; or
 - b) contravene any conditions, restrictions and prohibitions imposed by any legislation and related regulations enacted to protect the environment.
2. The off-road vehicle shall not be operated in such a manner that it causes or is likely to cause,
 - a) a risk to the safety of any person;
 - b) harm or material discomfort to any person from dust, emissions or noise;

- c) harm, injury or damage, either directly or indirectly, to any property, flora or fauna; or
 - d) alteration, disruption or destruction to the natural environment, including erosion damage or degradation of the right-of-way.
3. The off-road vehicle shall not be driven in or through a river, stream or other watercourse on a highway if doing so would or would be likely to alter, disrupt or destroy any fish habitat.

G. PENALTIES

Any person who contravenes any section of this by-law is guilty of an offence, and upon conviction, is liable to a fine as provided for in the *Provincial Offences Act*.

H. EFFECTIVE

This Policy shall come into force and take effect on July 1, 2015 and shall remain in effect until otherwise amended or repealed.