

The Corporation of The Township of North Frontenac

**By-law #61-20**

**Being a By-law to Repeal By-law #63-15 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 as amended now expands the types of Off Road Vehicles permitted on highways to include All Terrain Vehicles (ATV's), Side-by-Sides (ROV's) Extreme Terrain Vehicles (XTV's) and Off Road Motorcycles (ORM's) on highways if the municipal by-law passed pursuant to Section 191.8 of the Highway Traffic Act specifically permit said class of vehicles;

**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That** all resolution, by-laws or parts of by-laws, which are contrary to or inconsistent with this by-law are hereby repealed;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 October 2, 2020;

**Read** a first and second time, this 2<sup>nd</sup> day of October, 2020.

**Read** a third and final time and passed this 2<sup>nd</sup> day of October, 2020.

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Mayor

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Clerk

**Schedule 'A' to  
By-Law #61-20**

**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” means an off-road vehicle 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. 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.

“Extreme Terrain Vehicle” means an off-road vehicle that:

- a) has six or eight wheels, the tires of which are all in contact with the ground;
- b) has no tracks that are in contact with the ground;
- c) has seats that are not designed to be straddled; and
- d) has a minimum cargo capacity of 159 kilograms.

“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.

“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 Motorcycle” means an off-road vehicle, designed primarily for recreational use, that:

- a) has steering handlebars;
- b) has two wheels, the tires of which are all in contact with the ground;
- c) has a minimum wheel rim diameter of 250 millimetres;
- d) has a minimum wheelbase of 1,016 millimetres;

- e) has a seat that is designed to be straddled by the driver;
- f) is designed to carry a driver only and no passengers; and
- g) does not have a sidecar.

“Off-Road Vehicle” has the same meaning as in the Off-Road Vehicles Act.

“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 centimetres.

## **B. Operation Requirements**

1. All-Terrain Vehicles, Extreme Terrain Vehicles, Multi-purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles and Off-Road Motorcycles 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.

## **C. Regulation of Off-Road Vehicles**

1. All-Terrain Vehicles, Extreme Terrain Vehicles, Multi-purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles and Off-Road Motorcycles shall be permitted on all municipal roads and highways within the Township of North Frontenac provided that all drivers and passengers of said vehicles comply with the Highway Traffic Act, the Off-Road Vehicles Act, and all other Federal or Provincial laws or any regulations made under them as amended, or Municipal By-laws as amended, or replaced from time to time.
2. All-Terrain Vehicles, Extreme Terrain Vehicles, Multi-purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles and Off-Road Motorcycles 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. All-Terrain Vehicles, Extreme Terrain Vehicles, Multi-purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles and Off-Road Motorcycles shall not be operated on any highways between the hours of 11:00 pm and 6:00 am of the next day;

**D. Penalties**

1. Any person who contravenes any section of this by-law is guilty of an offence, and upon conviction, is liable to a fine. The penalties provided under the Highway Traffic Act and any amendments thereto, shall apply to offences against this By-law.