

The Corporation of the County of Peterborough

By-law No. 2016 - 35

A By-law to regulate the Operation of Off-Road Vehicles (ORVs) on Highways and Roadways within the Jurisdiction of the County of Peterborough and to repeal By-law Nos. 2011-69 and 2013-61

Whereas the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8(3) provides that a Council of a municipality may pass by-laws:

- (a) permitting the operation of off-road vehicles with three or more wheels on any highway within the municipality that is under the jurisdiction of the municipality, or on any parts of such highway;
- (b) prescribing a lower rate of speed for off-road vehicles with three or more wheels than that prescribed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction, or on any part of parts of such highway, including prescribing different rates of speed for different highways or parts of highways;

And Whereas Section 191.8(4) of the Highway Traffic Act provides that a by-law passed under subsection (3) may permit the operation of off-road vehicles with three or more wheels on any highway or on any part of parts of a highway only during specified months or hours;

And Whereas subsection 3(b) of Section 191.8 of the Highway Traffic Act to prescribe a lower rate of speed for off-road vehicles with three or more wheels and low pressure bearing tires than that prescribed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction; and where Subsection (4) provides that by-laws may regulate times of operation on any highway or parts of highway only during specified months or hours;

And Whereas Ontario Regulation 316/03 titled "Operation of Off-Road Vehicles on Highways" came into effect in 2003, which was amended by Ontario Regulation 135/15 effective July 1, 2015 which amended Ontario Regulation 316/03;

And Whereas Ontario Regulation 333/15 amended Schedule A of Ontario Regulation 316/03 effective on December 18, 2015;

And Whereas the Off-Road Vehicles Act, R.S.O. 1990, c. O.4 at section 1 defines "off-road vehicles" as a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel on not more than three wheels or on more than three wheels and being of a prescribed class of vehicle;

And Whereas at the County Council Meeting of November 2, 2011, County Council passed By-law No. 2011-69, being a by-law to regulate the Operation of All-Terrain

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Vehicles (ATVs) on Highways and Roadways within the Jurisdiction of the County of Peterborough;

And Whereas at the County Council Meeting of April 4, 2012, County Council passed By-law No. 2012-22, being a by-law to amend Schedule "A" of By-law No. 2011-69, being a by-law to regulate the Operation of All-Terrain Vehicles (ATVs) on Highways and Roadways within the Jurisdiction of the County of Peterborough;

And Whereas at the County Council Meeting of October 2, 2013, County Council passed By-law No. 2013-61, being a by-law to amend Schedule "A" of By-law No. 2011-69, being a by-law to regulate the Operation of All-Terrain Vehicles (ATVs) on Highways and Roadways within the Jurisdiction of the County of Peterborough and to repeal By-law No. 2012-22;

And Whereas at the County Council Meeting of May 4, 2016, County Council accepted the recommendation of the Director of Public Works contained in his report titled "ATV By-law Update" wherein he recommended:

"That County Council receives the report related to the update of the County ATV By-Law, being a by-law to regulate the Operation of All-Terrain Vehicles on highways and roadways within the jurisdiction of the County of Peterborough as a result of amendments to the Highway Traffic Act , Ontario Regulation 316/03 – Operation of Off-Road Vehicles on Highways (last amendment: O. Reg. 135/15; and further,

That no changes be made at this time to the Schedule A of the by-law which specifies the County Roads where ATVs may be operated; and further,

That staff be directed to report to County Council any requests for amendments to this by-law in May, 2018; and further,

That the Clerk be directed to prepare the necessary By-law that enacts the foregoing.";

Now Therefore the Council of the Corporation of the County of Peterborough in Session duly assembled enacts as follows, that:

1. Definitions

For the purposes of this By-law,

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“all-terrain vehicle” as defined in Section 1(1) of Ontario Regulation 135/15 of the Highway Traffic Act 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) 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;

“multi-purpose off-highway utility vehicle” as defined in Section 1(1) of Ontario Regulation 135/15 of the Highway Traffic Act 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;

“off-road vehicle” as defined in Section 1 of the Off-Road Vehicles Act, R.S.O. 1990, c. O.4 means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,

- (a) on not more than three wheels, or
- (b) on more than three wheels and being of a prescribed class of vehicle;

“recreational off-highway vehicle” as defined in Section 1(1) of Ontario Regulation 135/15 of the Highway Traffic Act 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;

2. **Permitted Roadways** – Off-road vehicles shall be permitted:

- (a) On short sections of County Roads for the purpose of connecting two sections of trails on public or private property.
- (b) Only on sections of County Roads that have gravel shoulders of a minimum width of one and one half metres (1.5m).
- (c) Only on sections of County Roads where requests have been made by Township Councils that have an Off-Road Vehicle by-law, by resolution.

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- (d) On highways (streets) as defined in the Highway Traffic Act, R.S.O. 1990, chapter H.8, which are described in Schedule "A" attached hereto to this by-law and forming an integral part of this By-law.
3. **Speed Limit** – An off-road vehicle shall not be driven at a rate of speed greater than:
- (a) 20 km/hr if the speed established under the Highway Traffic Act or by municipal by-law for that part of the highway is not greater than 50 km/hr; or
 - (b) 50 km/hr 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 km/hr.
4. **Equipment Requirements** - An off-road vehicle shall not be operated on highways unless it meets the equipment requirements of Sections 7 to 15 of Ontario Regulation 316/03, as amended by Ontario Regulation 135/15 and the off-road vehicle is operated in accordance with Sections 16 to 24 of the aforesaid regulation.
5. **Exhaust System** - An off-road vehicle shall not be permitted to travel on a municipal highway if the exhaust system has been altered over the manufacturer's recommended decibel level.
6. **Times of Operation** – Off-road vehicles shall not travel on municipal roads between 9:00 p.m. and 8:00 a.m.
7. **Prohibited Lands** – No person shall operate an Off-road vehicles over and upon any municipal owned or municipal maintained land used as parks or for utility purposes.
8. **Operators of Off-Road Vehicles** - Operators of Off-road vehicles must:
- (a) wear helmets on all municipal highways,
 - (b) have a valid driver's licence, and
 - (c) have public liability and property damage insurance in full force and effect for no less than \$1,000,000 per occurrence.
9. **Travel Direction** - Travel must be in the same direction as traffic and Off-road vehicles must travel on the shoulder of the road, but may travel on the road only if the shoulder is unsafe.
10. **Exemptions** - This by-law does not apply to police, fire, ambulance, search and rescue or other emergency vehicles.
11. **Contravention of By-law** - Any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction, where a fine for the

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contravention is not otherwise provided under the Highway Traffic Act, is liable to a fine under the Provincial Offences Act.

12. **Effective Date** - This by-law shall come into force and take effect immediately upon the passing thereof.
13. **Review** – This by-law shall be reviewed in May, 2018 to include any requests for amendments to the by-law.
14. **By-laws Repealed** – The following by-laws are hereby repealed:
 - (a) By-law No. 2011-69 passed on November 2, 2011.
 - (b) By-law No. 2013-61 passed on October 2, 2013.
15. **Short Name** - This by-law shall be commonly called the “ORV By-law”.

Read a first, second and third time and passed in Open Council this 18th day of May, 2016.

J. Murray Jones

Warden

Sally Saunders

Clerk