

CORPORTATION OF THE UNITED COUNTIES OF PRESCOTT AND RUSSELL

BY-LAW NUMBER 2015-45

BEING A BY-LAW TO PERMIT THE OPERATION OF OFF-ROAD VEHICLES ON ANY HIGHWAY, OR ON ANY PART OR PARTS OF SUCH HIGHWAYS THAT IS UNDER THE JURISDICTION OF THE UNITED COUNTIES OF PRESCOTT AND RUSSELL

WHEREAS the Highway Traffic Act, R.S.O. 1990, Section 191.8 (1) Chapter H.8 as amended, states that no person shall drive an off-road vehicle on a highway except in accordance with the regulations and any applicable municipal by-laws.

AND WHEREAS Section 191.8 (3) of the Highway Traffic Act, R.S.O. 1990, Chapter H.8 as amended, states that the Council of a municipality may pass by-laws permitting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highways.

AND WHEREAS Section 4.1 (1) of Ontario Regulation 316/03 states that every highway or part of a highway in a municipality on which an off-road vehicle is permitted to operate under the authority of by-law made by the municipality under subsection 191.8 (3) of the Act, but only during the months or hours specified in the by-law if the by-law limits the operation of an off-road vehicle on a highway or part of a highway within the municipality to certain months or hours.

AND WHEREAS Section 4.1 (1) of Ontario Regulation 316/03, states that off-road vehicle may be driven on a highway listed on Schedule "A" only if meeting the requirements of Part III.

NOW THEREFORE BE IT ENACTED by the Council of the Corporation of the United Counties of Prescott and Russell that:

1) Definitions

In this by-law:

- a) "all terrain vehicle" means an off-road vehicle that:
 - I. has four wheels, the tires of all of which are in contact with the ground,
 - II. has steering handlebars,
 - III. has a seat that is designed to be straddled by the driver, and
 - IV. is designed to carry,
 - i. a driver only and no passengers, or
 - ii. a driver and only one passenger, if the vehicle, has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and is equipped with foot rests for the passenger that are separate from the foot rests for the driver;
- b) "multi-purpose off-highway utility vehicle" means an off-road vehicle that:
 - I. has four wheels, the tires of all of which are in contact with the ground,
 - II. has a steering wheel for steering control,
 - III. has seats that are not designed to be straddled, and
 - IV. has a minimum cargo capacity of 159 kilograms;
- c) "recreational off-highway vehicle" means an off-road vehicle that,
 - I. has four or more wheels, the tires of all of which are in contact with the ground,
 - II. has a steering wheel for steering control,
 - III. has seats that are not designed to be straddled, and
 - IV. has an engine displacement equal to or less than 1,000 cubic centimetres;
- d) "Off-road vehicle" has the same meaning as in *Off-Road Vehicle Act* O. Reg. 316/03;

- e) "Highway" includes a common and public highway, street, road, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- f) "Corporation" means the Corporation of the United Counties of Prescott and Russell;
- g) "Council" means the Council of the Corporation;
- h) "Municipal Law Enforcement Officer" means a person appointed by Council under the *Police Services Act* to enforce the by-laws of the Corporation;
- i) "OFATV" means the Ontario Federation of All Terrain Vehicles;
- j) "Director of Public Works" means the Director of Public Works of the Corporation of the United Counties of Prescott and Russell or his representatives.

2) Rate of Speed

- a) The off-road vehicle shall not be driven at a rate of speed greater than:
 - I. 20 kilometres 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 kilometres per hour.
 - II. 50 kilometres 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 80 kilometres per hour.

3) Permitted Locations

- a) Off-road vehicles shall be permitted to travel the following roads in the United Counties of Prescott and Russell described in schedule "A".
- b) Off-road vehicles shall not be permitted to travel on any other unopened or opened road allowances under municipal jurisdiction which are not mentioned in schedule "A" of this by-law with the exception of farmers, licensed trappers and representatives of the various levels of government while carrying out their legitimate duties.

4) Prohibited hours of use

No off-road vehicle shall be permitted on any roads, between 11:00 p.m. and 6:00 a.m.

5) Prohibited use: special circumstances

No off-road vehicle shall be permitted on the roads described in schedule "A" during extremely dry conditions, whenever fire restrictions or a ban on fires is in effect. When such restrictions are in effect, the ATV Club of Eastern Ontario Inc. shall be responsible for posting adequate signage regarding the prohibition of use.

6) Liability Insurance

That the ATV Club of Eastern Ontario Inc. provides proof of liability insurance in the amount of \$5,000,000.00 with the United Counties of Prescott and Russell added as additional insured party on the certificate.

7) Regulation 316/03

- a) Any operator of an off-road vehicle is subject to the terms of Regulation 316/03 as amended.
- b) An off-road vehicle shall not be operated on highways unless it meets the equipment requirements of Section 7 to 15 of O, Reg.316/03 and it is operated in accordance with section 16 and 24 of O.Reg.316/03.

8) Responsibility for Repairs

The ATV Club of Eastern Ontario Inc. shall enter into an agreement assuming responsibility for the costs or repairs to the shoulder or road allowance due to off-road vehicle use.

9) Closure for repairs

The county roads shall be inspected by the Director of Public Works or his representative shall determine if repairs are necessary due to off-road vehicle use and be subject to closure until repaired by the ATV Club of Eastern Ontario Inc. and re-inspected and approved by the Director of Public Works or his representative.

10) Signage – Security Equipment

ATV Club of Eastern Ontario Inc. shall be responsible for providing and installing all signs required along the trail and upon request from adjacent property owners.

11) Failure to perform

Failure to satisfy any of the above noted conditions set-up by the Counties will result in the immediate suspension or rescinding of this by-law.

12) General Provisions

- a) The ATV Club of Eastern Ontario Inc. and OFATV shall take the necessary steps to insure that its members conduct themselves in such a manner as to respect at all times the content of this by-law.
- b) This by-law shall be reviewed annually to insure compliance and the Corporation retains the right to revoke the privileges of the ATV Club of Eastern Ontario Inc. and OFATV should either organisation fail to comply with any of the conditions set out in this by-law.
- c) The Corporation may alter or revoke this by-law at any time.

13) Enforcement and Penalties

- a) This by-law may be enforced by every municipal law enforcement officer appointed by the Corporation from time to time and police officer.
- b) Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for under *Highway Traffic Act* and the *Compulsory Automobile Insurance Act*.
- c) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.
- d) If this by-law is contravened and a conviction entered, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

14) By-Law 2008-18 as amended is hereby repealed.

This by-law shall come into force and take effect immediately upon passing by the Council of the Corporation of the United Counties of Prescott and Russell.

DONE AND PASSED in open Council this 26th day of August, 2015.

Robert Kirby, Warden

Andrée Latreille, Clerk

**THE CORPORATION OF THE UNITED COUNTIES
OF PRESCOTT AND RUSSELL**

SCHEDULE "A" TO BY-LAW 2015-45

LOCATIONS PERMITTED BY THIS BY-LAW

COUNTY ROAD NUMBER	TOWNSHIP	SIDE	BETWEEN:	AND:	DISTANCE
2	City of Clarence-Rockland	North and South	457 Russell Road	Drouin Road	0.6 km
3	Nation Municipality	North and South	Du Théâtre Road	Lafontaine Road	0.9 km
3	Village of Casselman	East and West	Lafontaine Road	St-Isidore Street	2.3 km
7	Village of Casselman	East and West	St-Isidore Street	Aurèle Road	1.6 km
7	Nation Municipality	North and South	St. Albert (village)	Montée Ouimet	0.25 km
8	Nation Municipality	East and West	Concession 17 Road	Route 300 E	0.6 km
9	Alfred and Plantagenet	East and West	Concession 6 Road	Concession 7 Road	1.5 km
16	Nation Municipality	North and South	Dixon Factory Road	Piché Road	3 km
17	Alfred and Plantagenet	North and South	Route 21 Road	Principale Street	0.55 km
19	Nation Municipality	East and West	Concession 10 Road	Ettyville Road	2.9 km
27	Nation Municipality	East and West	Route 900 East	Route 1000	1.5 km