

THE CORPORATION OF THE TOWNSHIP OF PRINCE

BY-LAW NO. 2011-16

A by-law to permit the operation of off-road vehicles on municipal roads

**WHEREAS** subsection 191.8(3) of the Highway Traffic Act permits municipalities to pass by-laws permitting the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;

**AND WHEREAS** subsection 191.8(3) of the Highway Traffic Act further permits municipalities to pass by-laws prescribing 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, or on any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways.

**NOW, THEREFORE**, the Council of the Corporation of the Township of Prince enacts as follows:

1. **Definitions**

"Off-Road Vehicle" (ORV), 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;

2. **Off-Road Vehicles Permitted on Municipal Roads**

Off-Road vehicles shall be permitted on all municipal roads, with the following exceptions:

Second Line West (Provincial)

Airport Road (Provincial)

East side of Townline Road (City of Sault Ste. Marie)

South side of Base Line (City of Sault Ste. Marie)

4. **Penalty**

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Highway Traffic Act* and/or the *Provincial Offences Act*.

This By-Law to be reviewed in one year.

Read a First, Second and Third Time and Passed in open Council this 12th day of July, 2011.

  
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Reeve, K. Lamming

  
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CAO/Administrator, P. Greco

**PART III ONTARIO REGULATION 316/03 HIGHWAY TRAFFIC ACT REGULATION OF OFF-ROAD VEHICLES ON HIGHWAYS**  
**included for reference purposes**

**Conditions for off-road vehicles to be operated on highways**

6. An off-road vehicle shall not be operated on a highway unless it meets the requirements of sections 7 to 15 and it is operated in accordance with sections 16 to 24. O. Reg. 316/03, s. 6.

**Equipment Requirements**

**Weight and dimensions**

7. (1) Off-road vehicle must weigh 450 kilograms or less. O. Reg. 316/03, s. 7 (1).

(2) Off-road vehicle must have an overall width not greater than 1.35 metres, excluding mirrors. O. Reg. 316/03, s. 7 (2).

**Tires**

8. All the tires on the off-road vehicle must be low pressure bearing tires. O. Reg. 316/03, s. 8.

**Motor vehicle safety standards**

9. The off-road vehicle must meet the motor vehicle safety standards prescribed for restricted-use motorcycles in the Motor Vehicle Safety Regulations made under the Motor Vehicle Safety Act (Canada) applicable when the vehicle was manufactured. O. Reg. 316/03, s. 9.

**Equipment configuration and performance requirements**

10. (1) If the off-road vehicle was manufactured after May 31, 1991 and before January 1, 2002, it must meet the equipment configuration and performance requirements set out in the American National Standards Institute/Specialty Vehicle Institute of America publication entitled Four Wheel All-Terrain Vehicles ANSI/SVIA-1-1990 or Four Wheel All-Terrain Vehicles - Equipment, Configuration and Performance Requirements ANSI/SVIA-1-2001. O. Reg. 316/03, s. 10 (1).

(2) If the off-road vehicle was manufactured after December 31, 2001, it must meet the equipment configuration and performance requirements set out in the American National Standards Institute/Specialty Vehicle Institute of America publication entitled Four Wheel All-Terrain Vehicles - Equipment, Configuration and Performance Requirements ANSI/SVIA-1-2001. O. Reg. 316/03, s. 10 (2).

**Equipment must be operating properly**

11. A component, equipment or other feature of the off-road vehicle that was part of the vehicle when manufactured and that is required by section 9 or 10 must operate properly and must not be missing, rendered partly or wholly inoperable or modified so as to reduce its effectiveness. O. Reg. 316/03, s. 11.

**Braking system**

12. The off-road vehicle must be equipped with a service brake, parking brake and parking mechanism that comply with section 4 of the American National Standards Institute/Specialty Vehicle Institute of America publication entitled Four Wheel All-Terrain Vehicles - Equipment, Configuration and Performance Requirements ANSI/SVIA-1-2001. O. Reg. 316/03, s. 12.

**Lamps**

13. (1) Despite subsection 62 (1) of the Act, the off-road vehicle must be equipped with one or two lamps that emit a white light on the front of the vehicle and one or two lamps that emit a red light at the rear of the vehicle. O. Reg. 316/03, s. 13 (1).

(2) The lamps required by subsection (1) must be lit at all times the off-road vehicle is operated on the highway. O. Reg. 316/03, s. 13 (2).

(3) The subsections of section 62 of the Act that refer to lamps required under subsections (1), (2) or (3) of that section shall be read as if referring to the lamps required under subsection (1) of this section. O. Reg. 316/03, s. 13 (3).

(4) The lamps required on the front of an off-road vehicle by subsection (1) must be aimed such that the high intensity portion of the beam is directed below the horizontal line through the centre of the lamp from which it comes, at a distance of 7.6 metres ahead of the lamp, when the vehicle is not loaded. O. Reg. 316/03, s. 13 (4).

(5) If the off-road vehicle was manufactured after January 1, 1998, it must be equipped with a stop lamp or lamps on the rear of the vehicle that emit a red light when any brake is applied. O. Reg. 316/03, s. 13 (5).

(6) A stop lamp required under subsection (5) may be incorporated with a rear lamp or may be a separate lamp. O. Reg. 316/03, s. 13 (6).

(7) The off-road vehicle must be equipped with,

(a) one yellow reflex reflector on each side at the front;

(b) one red reflex reflector on each side at the rear; and

(c) one or two red reflex reflectors on the rear. O. Reg. 316/03, s. 13 (7).

(8) The reflex reflectors required by subsection (7) must comply with the requirements of the Motor Vehicle Safety Regulations made under the Motor Vehicle Safety Act (Canada) applicable when the vehicle was manufactured. O. Reg. 316/03, s. 13 (8).

#### **Windshield**

14. The off-road vehicle need not be equipped with a windshield, but if it is, the windshield must satisfy the requirements prescribed for a motorcycle windshield under subsection 1 (10) of Schedule 6 to Regulation 611 of the Revised Regulations of Ontario, 1990. O. Reg. 316/03, s. 14.

#### **No obstruction of view**

15. (1) There must not be any object or non-transparent material placed on or attached to the off-road vehicle that obstructs the driver's view of traffic approaching from any direction at an intersection, or of traffic approaching from the rear of the vehicle. O. Reg. 316/03, s. 15 (1).

(2) If the off-road vehicle is towing a trailer, the trailer or load must not obstruct the driver's view of traffic approaching from any direction at an intersection, or of traffic approaching from the rear of the vehicle. O. Reg. 316/03, s. 15 (2).

#### **Operation Requirements**

##### **Permit**

16. (1) The off-road vehicle shall be operated under the authority of a permit issued under section 5 of the Off-Road Vehicles Act and a number plate showing the number of the permit shall be displayed on the vehicle as required under that Act. O. Reg. 316/03, s. 16 (1).

(2) Subsection (1) does not apply to an off-road vehicle operated under the authority of a permit issued under section 7 of the Highway Traffic Act, as provided by section 7 of the Off-Road Vehicles Act. O. Reg. 316/03, s. 16 (2).

##### **Insurance**

17. The off-road vehicle shall be insured in accordance with section 2 of the Compulsory Automobile Insurance Act and section 15 of the Off-Road Vehicles Act. O. Reg. 316/03, s. 17.

##### **Driver's licence**

18. The driver of the off-road vehicle shall hold a valid Class A, B, C, D, E, F, G, G2, M or M2 driver's licence issued under the Act unless he or she is exempt, under section 34 of the Act, from the

application of section 32 of the Act. O. Reg. 316/03, s. 18.

### **Helmet**

**19.** The driver of the off-road vehicle shall wear a helmet that complies with section 19 of the Off-Road Vehicles Act. O. Reg. 316/03, s. 19.

### **Application of Highway Traffic Act**

**20.** (1) Except as otherwise provided in this Regulation, the provisions of the Act and its regulations applicable to motor vehicles apply with necessary modifications to the operation of an off-road vehicle on a highway. O. Reg. 316/03, s. 20 (1).

(2) Subsection 62 (19), sections 64 and 66 and subsection 76 (1) of the Act do not apply to the operation of an off-road vehicle on a highway. O. Reg. 316/03, s. 20 (2).

### **Application of Off-Road Vehicles Act**

**21.** The Off-Road Vehicles Act and the regulations made under that Act that apply to the operation of off-road vehicles off the highway apply with necessary modifications to the operation of an off-road vehicle on a highway. O. Reg. 316/03, s. 21.

### **Maximum speed**

**22.** The off-road vehicle shall not be driven at a rate of speed greater than,

(a) 20 kilometres per hour, if the speed limit established under the Act for that part of the highway is not greater than 50 kilometres per hour; or

(b) 50 kilometres per hour, if the speed limit established under the Act for that part of the highway is greater than 50 kilometres per hour. O. Reg. 316/03, s. 22.

### **Environmental protection**

**23. (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. O. Reg. 316/03, s. 23 (1).

(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. O. Reg. 316/03, s. 23 (2).

(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. O. Reg. 316/03, s. 23 (3).

### **Rules of the road**

**24. (1)** The off-road vehicle shall be driven on the shoulder of the highway in the same direction as the traffic using the same side of the highway. O. Reg. 316/03, s. 24 (1).

(2) Despite subsection (1), the off-road vehicle 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; or

(b) the shoulder of the highway is obstructed and cannot be used by the off-road vehicle. O. Reg.

316/03, s. 24 (2).

(3) Despite subsection (1), the off-road vehicle shall not be driven on the shoulder but shall be driven on the roadway in the same direction as the traffic using the same side of the highway if it is being driven across a level railway crossing. O. Reg. 316/03, s. 24 (3).

(4) When driven on the shoulder of the highway, the off-road vehicle shall be driven as close to and parallel with the right edge of the shoulder as can be done practicably and safely. O. Reg. 316/03, s. 24 (4).

(5) When driven on the roadway pursuant to subsection (2), the off-road vehicle shall be driven as close to and parallel with the right edge of the roadway as can be done practicably and safely. O. Reg. 316/03, s. 24 (5).

(6) When entering the shoulder or the roadway, the off-road vehicle shall yield the right of way to vehicles already using the shoulder or the roadway, as the case may be, and shall enter the shoulder or roadway only when it is safe to do so. O. Reg. 316/03, s. 24 (6).

(7) The off-road vehicle shall not be driven in the median strip of the highway. O. Reg. 316/03, s. 24 (7).

(8) The off-road vehicle shall not be driven on any part of the highway that is designated as a construction zone under subsection 128 (8) of the Act or on any other part of the highway where construction work or highway maintenance is being carried out, unless the off-road vehicle is operating as a vehicle described in subsection 128 (13) of the Act or as a road service vehicle. O. Reg. 316/03, s. 24 (8).

(9) If part or all of the highway is closed under subsection 134 (2) of the Act, the off-road vehicle shall not be driven on any adjacent part of the highway that may be open, unless the off-road vehicle is operating as a vehicle described in subsection 128 (13) of the Act or as a road service vehicle. O. Reg. 316/03, s. 24 (9).

(10) The off-road vehicle shall not overtake and pass any moving motor vehicle or motorized snow vehicle at any time when both the off-road vehicle and the other vehicle are travelling on the same shoulder or roadway of the highway. O. Reg. 316/03, s. 24 (10).

(11) Despite subsection (10), an off-road vehicle may overtake and pass another off-road vehicle when both are travelling on the shoulder if the movement can be made in safety while remaining on the shoulder and to the left of the off-road vehicle being overtaken and passed. O. Reg. 316/03, s. 24 (11).

(12) Despite clause 142 (4) (b) of the Act, a person driving an off-road vehicle on the highway may indicate the intention to turn right by extending the right hand and arm horizontally beyond the right side of the vehicle. O. Reg. 316/03, s. 24 (12).

(13) Before commencing a left turn in the manner required by subsection 141 (5), (6) or (7) of the Act, the off-road vehicle shall, without interfering with the movement of traffic travelling in the same direction as the off-road vehicle, move away from the shoulder or from the right edge of the roadway, as the case may be, and be positioned on the roadway in the position from which the left turn is to be made. O. Reg. 316/03, s. 24 (13).

(14) Upon completing a left turn, the off-road vehicle shall, without interfering with the movement of traffic travelling in the same direction as the off-road vehicle, move back to the right edge of the roadway or shoulder, as the case may be. O. Reg. 316/03, s. 24 (14).