

THE CORPORATION OF THE TOWNSHIP OF CHAPLEAU

By-Law No. 2022-042

Being a by-law of the Corporation of the
Township of Chapleau to Regulate Off-Road Vehicles (ORV)

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

AND WHEREAS Subsection 191.8 of the *Highway Traffic Act R.S.O. 1990 c.H.8* enables municipal Councils to pass by-laws relating to the operation of Off-Road Vehicles on certain highways within the Municipality under the jurisdiction of the Municipality;

AND WHEREAS Section 27 of the *Municipal Act, 2001*, provides that a Municipality may pass by-laws with respect to highways over which it has jurisdiction;

AND WHEREAS Ontario Regulation 316/03, as amended defines what All-Terrain Vehicles, Multi-purpose Off-highway Utility Vehicles, Recreational Off-highway Vehicles and Off-Road Motorcycles are and the requirements by which they must comply.

AND WHEREAS all municipalities listed in *O. Reg. 8/03: Local Municipalities Where 80 Kilometer per Hour Speed Limit Applies*, permitted off-road vehicles will be allowed by default on municipal highways unless the municipality has an existing by-law that restricts their use or creates a new by-law to prohibit or restrict the use of some or all off-road vehicles;

AND WHEREAS The Township of Chapleau is listed in *O. Reg 8/03*.

AND WHEREAS the Council of the Corporation of the Township of Chapleau deems it necessary and expedient to pass a by-law to regulate the operation of Off-Road Vehicles on its highways;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Chapleau enacts as follows:

1. Definitions:

In this by-law:

- 1.1 “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) may be designed to carry:
 - (i) a driver only and no passengers
 - (ii) a driver and only one passenger, if the vehicle
 - a) Has one passenger seat that is designated 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
- 1.2 “Boulevard” means part of a street line between the roadway and sidewalk or, where no sidewalk has been laid, that part between the roadway and the highway boundary;
- 1.3 “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
- 1.4 “Highway” includes a common and public highway, street, avenue, parkway, laneway, 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;
- 1.5 “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
- 1.6 “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 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
- 1.7 “Off-Road Vehicle” means a vehicle propelled or driven otherwise than by muscular power or wind and designated to travel,
- a) On not more than three wheels, or
 - b) On more than three wheels and being of a prescribed class of vehicle enumerated in *O. Reg. 316/03*.
- 1.8 “Park” means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in the loading or unloading of passengers;
- 1.9 “Police Officer” means the Chief of Police and any other sworn police officer of the Ontario Provincial Police and any First Nation Officer of the Nishnawbe Aski Police Service;
- 1.10 “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
 - e) has an engine displacement equal to or less than 1,000 cubic centimetres
- 1.11 “Roadway” means the part of the highway that is improved, designed or ordinarily used for vehicular traffic but does not include the shoulder.
- 1.12 “Sidewalk” means the traveled portion of a highway intended for the use of pedestrians.
- 1.13 “Township” means the geographical area occupied by The Corporation of the Township of Chapleau;

2. Operation of Off-Road Vehicles on Highways

- 2.1 A person may operate an Off-Road Vehicle on any highway within the Township of Chapleau. Every person who operates an Off-Road Vehicle within the Township shall comply with the conditions and restrictions set out within this By-Law.

- 2.2 No person shall operate an Off-Road Vehicle on any highway in excess of 20 kilometers per hour.

3. Regulations

- 3.1 Any Off-Road Vehicle shall not be operated on any Municipal Highway unless it meets the operation requirements of the particular class of Off-Road Vehicle as outlined in the Highway Traffic Act, and its subordinate Regulations, as necessary. These requirements include, but are not limited to: safety equipment, equipment requirements, operation requirements, permitting, insurance, age of operator, and lighting.

4. Parking and Operation of Off-Road Vehicles on Sidewalks

- 4.1 No person shall operate an Off-Road Vehicle on a sidewalk or boulevard.
- 4.2 No person shall operate an Off-Road Vehicle across a boulevard.
- 4.3 No person shall park an Off-Road Vehicle on a sidewalk or boulevard.

5. Times of Operations

- 5.1 No person shall operate an Off-Road Vehicle on or across a highway or part thereof between the hours of 12:00 midnight on one day and 6:00 am on the following day.

6. Prohibited Operation of Off-Road Vehicles

No person shall operate an Off-Road Vehicle in the following prohibited areas:

- (1) All ball fields;
- (2) All track and field facilities owned or used in joint agreement with other agencies;
- (3) All cemeteries, parks and playgrounds;
- (4) All waterfront areas;
- (5) All Chapleau Recreation Centre grounds.

7. Enforcement

- 7.1 The provisions of this By-law shall be enforceable by a Police Officer, a Municipal By-law Enforcement Officer or other such person appointed by the Township.
- 7.2 The powers of a Police Officer as set out in the *Highway Traffic Act* apply with the necessary modifications to this By-Law.
- 7.3 Without limiting the generality of subsection (7.2), a Police Officer, in the lawful execution of his or her duties and responsibilities, may require the driver of an Off-Road Vehicle to stop and the driver of the Off-Road Vehicle, when signaled or requested to stop by a Police Officer who is readily identifiable as such, shall immediately come to a safe stop.

8. Penalty

Any person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is liable to a fine as provided under the *Provincial Offences Act*. R.S.O 1990, c. P. 33, as amended

9. Short Title

This By-Law shall be known as the "Off-Road Vehicle By-Law".

10. Repeal

That By-Law 2015-30 be and is hereby repealed in its entirety.

11. That this By-Law shall come into full force and effect on the 21st day of July, 2022.

Read a FIRST, SECOND and THIRD time and FINALLY passed this 21st day of July, 2022

Mayor



Clerk

