

CORPORATION OF THE NATION MUNICIPALITY

BY-LAW NO. 27-2021

BEING a By-law to regulate the operation of “Off Road Vehicles” (ORV) within the Nation Municipality and to repeal By-law No. 73-2011.

WHEREAS, the Municipal Act 2001, S.O. 2001, c25, Section 8(3) provides that a lower tier and upper tier municipality may pass by-laws respecting matters concerning highways, including parking and traffic on highways.

And WHEREAS, the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8 provides that a municipality may pass a bylaw for:

1. Permitting all ORV’s that meet the requirements in Ontario Regulation 316/03 for ORV’s permitted on road, be allowed on municipal highways.
2. Prohibit ORV’s on some or all highways.
3. Permit only specific ORV’s on highways.
4. Prohibit ORV’s at specific hours of the day.
5. Imposing lower speed limits.

AND WHEREAS all municipalities listed in *O. Reg. 8/03: Local Municipalities where 80 kilometres 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 Nation Municipality is listed in *O. Reg. 8/03: Local Municipalities where 80 kilometres per hour speed limit applies*.

THEREFORE, the Council of the Corporation of The Nation Municipality enacts as follows:

1. Definitions

- 1.1 “All Terrain Vehicles”** means A “single rider” all-terrain vehicle (ATV) is designed to travel on four tires, having a seat designed to be straddled by the operator, handlebars for steering control and it must be designed by the manufacturer to carry a driver only and no passengers. A two-up ATV is designed and intended for use by an operator or an operator and a passenger. It is equipped with straddle-style seating and designed to carry only on passenger.
- 1.2 “Corporation”** means the Corporation of The Nation Municipality.
- 1.3 “Highway”** includes a common and public highway, street, avenue, parkway, driveway, road, square, place, bridge, viaduct or trestle, designed and intended for or used by, the general public for the passage of vehicles within The Nation Municipality.
- 1.4 “Organized Trail”** means the whole of any trail established and maintained by a municipally recognized off road vehicle recreational organization for the use of off road vehicles.
- 1.5 “Other Off-Road Vehicle Types”** means extreme terrain vehicles (XTV’s) commonly referred to as Argos, are 6+ wheeled off-road vehicles capable of riding in multiple terrains, including through water. These vehicles sometimes come with tracks, however, tracked version are not permitted on highway and are restricted to off-road use only. Off-Road Motorcycles (ORMs) are 2 wheeled off-road vehicles that come in varying configurations such as, but not limited to: Recreational, ORM or Competition ORM.

1.6 “Side-by-Sides” means a recreational off highway vehicle (ROV) has two abreast seats, typically built with a hood, and uses a steering wheel instead of a motorcycle steering handlebar. A utility terrain vehicle (UTV) has a similar characteristics to an ROV but typically also features a box bed. UTV’s are generally designed for utility rather than recreational purposes.

2. General Provisions

2.1 Any person driving an ORV may use a highway to travel.

2.2 Any person driving an ORV on an organized ORV trail shall be subject to a recognized ORV club membership.

2.3 No person shall operate an ORV on a highway or an organized trail between the hours 11:00 p.m. to 7:00 a.m.

2.4 No person shall drive an ORV within the parks and other lands owned by the Corporation.

3. Speed limit

3.1 An ORV shall not be driven at a speed greater than:

- I. 20 kilometers per hour, 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 kilometers per hour, or
- II. 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.

4. Identification

4.1 Every ORV shall have a registration number, in a clearly visible position, showing the registration number of the ORV in the form and manner prescribed in the regulation of the Ministry of Transportation.

4.2 Every ORV being operated on an organized ORV trail shall bear a recognized ORV club membership registration number, in the form and manner prescribed by the recognized ORV club policies and guidelines.

5. Exemptions

5.1 This By-Law does not apply to off-road vehicles if the operator holds a valid driver’s license and is permitted to drive on a highway, if the vehicle is designed to travel on more than two wheels and the driver is:

- I. A farmer using the vehicle for agriculture purposes;
- II. A person licensed under the Fish and Wildlife Conservation Act, 1997 to trap furbearing mammals, if the person is using the vehicle for trapping purposes, and the vehicle or a vehicle drawn by it bears a slow moving vehicle sign.

6. Enforcement

6.1 The By-law shall be enforced by the Municipal Law Enforcement Officers of The Nation Municipality.

7. Validity and Severability

7.1 Every provision of this by-law is severable and if any provisions of this by-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that the remaining provisions shall remain in full force and effect.

7.2 Where a provision of this by-law conflicts with the provision of another by-law in force within The Nation Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

7.3 Nothing in this by-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other by-law of The Nation Municipality.

8. Review

8.1 Council reserves the right to review this bylaw on a regular basis and repeal should there be complaints from the general public of the activities of the ORV operators causing public disturbances.

9. Repeal

9.1 By-law 73-2011 of The Corporation of the Nation Municipality will be repealed at the time this By-law comes into effect.

10. Penalties

10.1 Any person who contravenes any provision of this By-Law and who is found guilty of an offence in a Court of competent jurisdiction is, upon conviction, liable to a fine in accordance with the provisions of the Provincial Offences Act and any other penalties deemed suitable as the case may be.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS XX DAY OF FEBRUARY, 2021.

Francois St. Amour, Mayor

Josee Brizard, CAO-Clerk

SEAL