

CORPORATION OF THE TOWNSHIP OF CHAMPLAIN

BY-LAW NUMBER 2024-57

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TO REGULATE THE OPERATION OF OFF-ROAD VEHICLES AND MOTORIZED SNOW VEHICLES ON ANY HIGHWAY, OR ON ANY PART OR PARTS OF SUCH HIGHWAYS THAT IS UNDER THE JURISDICTION OF THE TOWNSHIP OF CHAMPLAIN.

**WHEREAS** section 191.8 (3) of the *Highway Traffic Act*, R.S.O., 1990, Chapter H.8, as amended, provides 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** *Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways*, as amended, passed under the *Highway Traffic Act*, regulates the operation and requirements of ATVs, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles, which are classes of off-road vehicles;

**AND WHEREAS** subsections 7(2) of the *Motorized Snow Vehicles Act*, R.S.O 1990, c. M.44 also allows a municipality to pass by-laws regulating, governing or prohibiting the operation of Motorized Snow Vehicles within the municipality including any highways therein or any part or parts thereof;

**AND WHEREAS** the Council of The Corporation of the Township of Champlain deems it necessary to pass a by-law respecting highways under its jurisdiction.

**NOW THEREFORE** the Council of The Corporation of the Township of Champlain enacts as follows:

**1) Definitions**

The definitions contained within the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended (the "*Highway Traffic Act*") shall apply in the interpretation of this by-law except where they are inconsistent, in which case the definition under this by-law shall apply. For purposes of this by-law:

**"All Terrain Vehicle" ("ATV")** 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,
    - (1) has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and

(2) is equipped with footrests for the passenger that are separate from the footrests for the driver;

**"Corporation"** or **"Township"** or **"Municipality"** means the Corporation of the Township of Champlain;

**"Council"** means the Council of the Corporation;

**"Counties"** means the Corporation of the United Counties of Prescott and Russell;

**"Director of Public Works"** means the Director of Public Works of the Corporation of the Township of Champlain or his representatives;

**"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;

**"FCMQ"** means La Fédération des Clubs de Motoneigistes du Québec;

**"Highway"** includes a common and public highway, street, avenue, parkway, driveway, square, 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, under the jurisdiction of the Corporation of the Township of Champlain;

**"Multi-purpose off-highway utility vehicle"** means an off-road vehicle that:

- a) has four 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;

**"Municipal By-law Enforcement Officer"** shall mean a Municipal By-law Enforcement Officer appointed by the Council of the Corporation of the Township of Champlain or a peace officer for the purpose of enforcing municipal by-laws, as set out in the *Community Safety and Policing Act*;

**"OFATV"** means the Ontario Federation of All Terrain Vehicles Clubs;

**"OFSC"** means the Ontario Federation of Snowmobile Clubs;

**"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 all in contact with the ground,
- c) has a minimum wheel rim diameter of 250 millimetres,

- d) has a minimum wheelbase of 1,016 millimeters
- 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.

**“Off-road Vehicle”** has the same meaning as in *Off-Road Vehicles Act*, R.S.O 1990, c.O.4 as amended;

**“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
- d) has an engine displacement equal to or less than 1,000 cubic centimeters;

**“Trail Network”** means a defined area, approved by the Director of Public Works, on a Highway which is indicated by signage as being available for use, in accordance with this by-law, by members of OFATV, OFSC or FCMQ.

## **2) Prohibited Use**

- a) Extreme Terrain Vehicle and Off-road Motorcycle shall not be driven on any Highway or part of a Highway under the jurisdiction of the Corporation.
- b) An Off-road Vehicle shall not be operated on any highway or part of a highway under the jurisdiction of the Township of Champlain unless it meets the requirements of, and is operated in accordance with, Ontario Regulation 316/O3, Operation of off-road vehicles on highways of the Highway Traffic Act, as amended.
- c) A Motorized Snow Vehicle shall not be operated on any highway or part of a highway under the jurisdiction of the Township of Champlain unless it meets the requirements of, and is operated in accordance with, the Motorized Snow Vehicles Act, R.S.O 1990, c. M.44, as amended.
- d) Off-road Vehicles or Motorized Snow Vehicles shall not be operated on any highway or part of a highway under the jurisdiction of the Township of Champlain that is listed in Schedule “A” attached hereto and which forms part of this By-law with the following exception:
  - i) The Off-road Vehicle or Motorized Snow Vehicle operator resides on one of the prohibited use highways listed in Schedule “A” and operates their Off-road Vehicle or Motorized Snow Vehicle on the prohibited highways in order to access a designated off-road vehicle trail or other permitted use highway.

- e) Off-road Vehicle and Motorized Snow Vehicles shall not be permitted on sidewalks or multi-use pathways designated to be used by pedestrians and/or cyclists. Municipal vehicles and contractors working on behalf of the Corporation or Lower-tier Municipalities are exempted from this provision.
- f) Permission to operate an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or a Motorized Snow Vehicle on a Highway under this by-law does not constitute permission to travel upon or to operate such vehicles on any other private or public property without the consent of the property owner.

### **3) Permitted Use**

- a) Any person operating an ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or a Motorized Snow Vehicle under this by-law shall comply with the *Highway Traffic Act*, the Ontario Regulation 316/03 Operation of Off-Road Vehicles on Highways of the *Highway Traffic Act*, the *Motorized Snow Vehicles Act*, and all other Federal or Provincial laws and municipal by-laws, as applicable, or any regulations made under them as amended or replaced from time to time.
- b) The exemptions as set out in Part IV Exemptions of Ontario Regulation 316/03, Operation of Off-Road Vehicles on Highways, of the *Highway Traffic Act*, as amended, regarding the operation of Off-Road Vehicles on highways shall apply to the provisions of off-road vehicles as set out in this by-law.
- c) ATVs, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles and Motorized Snow Vehicles shall be permitted upon the Highways of the Corporation under the provisions of this by-law except for:
  - i) Any highway listed in Schedule "A" unless the ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicles and Motorized Snow Vehicle operator resides on one of the prohibited use highways and operates their ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle, or Motorized Snow Vehicle on the prohibited highways in order to access a designated off-road vehicle trail or other permitted use highway.

### **4) Trail network system**

- a) Any recognized club that is a member in good standing with the Ontario Federation of All-Terrain Vehicle Clubs, the Ontario Federation of Snowmobile Clubs or La Fédération des clubs de motoneigistes du

Québec that intends to use a Highway or part of a Highway of the Corporation for their trail network shall first obtain the approval of the Director of Public Works and enter into a road use agreement with the Corporation.

- b) The delegation of the authority and procedures to designate a Trail Network on a Highway or a portion of a Highway, under the jurisdiction of the Corporation, be delegated to the Director of Public Works.
- c) Location of signs intended for Trail network system identification on a Highway, under the jurisdiction of the of the Corporation, shall be approved by the Director of Public Works.

#### **5) Enforcement and Penalties**

- a) Any person who contravenes any section of this By-law is guilty of an offense and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33.
- b) Enforcement of Off-road Vehicle use on Highways is enforced by the Municipal By-law Enforcement Officer and the Ontario Provincial Police (OPP).

#### **6) Obstruction**

- a) No person shall willfully obstruct, hinder or otherwise interfere with an officer and/or municipal employees in the performance of their duties or the exercise of their rights, functions, powers or authority under this by-law.
- b) Any person who has been alleged to have contravened any of the provisions of this by-law shall identify themselves to the Municipal By-law Enforcement Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Municipal By-law Enforcement Officer in the execution of his/her duties.

#### **7) Validity and Severability**

- a) If a court of competent jurisdiction declares any provision or part of this by-law to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the by-law and it is the intention of Council that all other provisions or parts thereof shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law, unless the court makes an order to the contrary.
- b) Where a provision of this by-law conflicts with the provisions of another by-law in force within the Corporation, the provisions that establish the

higher standards to protect the general public's health, safety and welfare shall prevail.

- c) Nothing in this by-law relieves any person from complying with any of the provisions of any federal or provincial legislation or any other by-law of the Corporation.

**8) Repeal**

That By-law 2020-66 is hereby repealed.

- 9) This By-law shall become effective upon passage thereof.

**READ** a first, second and third time and duly adopted this 22<sup>nd</sup> day of August, 2024

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**NORMAND RIOPEL, MAYOR**

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**ALISON COLLARD, CLERK**

**Schedule A to By-Law 2024-57**

**Highways not permitted for use by off-road vehicles and motorized snow vehicles, with the exception set out in section 3c)i).**

All streets within the urban boundaries of the Town of Vankleek Hill and L'Original as follows:

Arber Street	Aime Street
Barton Street	Belmont Street
Bertha Street	Bernard Crescent
Bond Street	Bernard Crescent
Boyd Street	Bobois Street
Caroline Street	Bonin Street
Church Street	Court Street
Derby Street	Daniel Street
Dewar Crescent	Davidson Street
Elizabeth Street	De la Seigneurie Street
Farmers Avenue	Des Chalets Street
Fournier Street	Dufour Street
Fraser Street	Dufour Street
Grout Street	Elgin Street
Hamil Street	Eliza Street
Hibbard Street	Franche Street
Higginson Street	Fries Avenue
Home Avenue	Hall Lane
Jay Street	Heritage Court
Kirk Lane	Jacquot Street
Kronberg Street	Julien Street
Loch Street	Laliberte Street
Martel Crescent	Landriault Street
Mill Street	Lecours Street
Milner Street	Lemoyne Street
Oswald Street	Lisgar Street
Pearl Street	Marston Street
Pendleton Street	Montpetit Street
Perreault Street	Peter Street
Russell Street	Pilon Street
Smith Street	Provost Street
Stanley Avenue	Queen Street
St-Denis Street	Ravary Street
Stephens Street	River Lane
Steve Fonyo Street	Soulanges Street
Terry Fox Drive	Victoria Street
Union Street	Water Street
Wall Street	Wharf Street