

**The Corporation of the
United Counties of Prescott and Russell**

By-law 2024-24

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 United Counties of Prescott and Russell.

Whereas section 191.8 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 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 ATV, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles, which are classes of off-road vehicles;

And whereas subsections 7(4) and 7(5) 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.

The Council of the Corporation of the United Counties of Prescott and Russell 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:

"Corporation" or "County" or "Counties" means the Corporation of the United Counties of Prescott and Russell;

"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,

- a. has one passenger seat that is designed 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;

“Council” means the Council of the Corporation;

“Director of Public Works” means the Director of Public Works of the Corporation of the United Counties of Prescott and Russell 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 United Counties of Prescott and Russell;

“Lower-tier Municipality” shall mean any of the following eight lower-tier municipalities part of the County:

- a. Township of Russell
- b. Nation Municipality
- c. City of Clarence-Rockland
- d. Municipality of Casselman
- e. Township of Alfred and Plantagenet
- f. Township of Champlain
- g. Town of Hawkesbury
- h. Township of East-Hawkesbury

“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 Law Enforcement Officer" shall mean the Municipal Law Enforcement Officer appointed by the Council of the Corporation of the United Counties of Prescott and Russell;

“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 wheel base of 1,1016 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;

“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 centimetres;

“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

2.1. 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.

2.2. An Off-road Vehicle shall not be operated on Highways unless it meets the requirements of, and is operated in accordance with, Ontario Regulation 316/03, Operation of off-road vehicles on highways of the Highway Traffic Act, as amended.

2.3. A Motorized Snow Vehicles shall not be operated on Highways unless it meets the requirements of, and is operated in accordance with, the Motorized Snow Vehicles Act, as amended.

2.4. 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.

2.5. 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

3.1. 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.

3.2. 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.

3.3. ATV, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle and Motorized Snow Vehicle shall be permitted upon the Highways of the Corporation in accordance with the provisions of this by-law with the exception of:

- a. Anywhere within the road right-of-way of County Road 17 except when part of an approved Trail Network, a municipal service, an emergency service or approved events.
- b. Anywhere within the road right-of-way of County Road 28 except when part of an approved Trail Network, a municipal service, an emergency service or approved events.

4. Trail network system

4.1. Any recognized club which 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 Publics Works and enter into a road use agreement with the Corporation.

4.2. 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.

5. Enforcement and Penalties

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

5.2. Enforcement of Off-road Vehicle use on Highways is enforced by the Municipal Law Enforcement Officer and the Ontario Provincial Police (OPP).

6. Obstruction

6.1. 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.

6.2. Any person who has been alleged to have contravened any of the provisions of this by-law shall identify themselves to the Municipal Law Enforcement Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Municipal Law Enforcement Officer in the execution of his/her duties.

7. Validity and Severability

7.1. 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.

7.2. 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 health, safety and welfare of the general public shall prevail.

7.3. 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

8.1. That By-law 1972-2104, 2008-54, 2009-39, 2010-44, 2014-04, 2017-44 and 2021-03 are hereby repealed.

By-law read a first, second, and third time, and passed on June 12, 2024.

Normand Riopel, Warden

Mélissa Cadieux, Clerk