

The Corporation of the Town of Arnprior

By-law Number 6647-16

A by-law to permit and regulate the use of Off Road Vehicles on Highways in the Town of Arnprior to access town or regionally approved trails.

Whereas Section 8 of the Municipal Act, 2001, SO. 2001, as amended, empowers a municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas Section 191.8 of Highway Traffic Act R.S.O. 1990, Chapter H. 8, authorizes a municipality to pass by-laws permitting and regulating the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway or part of a highway under the jurisdiction of the municipality and further, to prescribe the rate of speed for such off-road vehicles as well as the specific months or hours during which they can be operated on a municipal highway or part of a highway;

Whereas the Council of the Corporation of the Town of Arnprior deems it in the public interest to permit and regulate the operation of off-road vehicles within the jurisdiction of the Corporation of the Town of Arnprior.

Therefore, the Council of the Town of Arnprior enacts as follows:

1 Jurisdiction

- 1.1 This By-law regulates the use of off-road vehicles on all highways under the jurisdiction of the Corporation of the Town of Arnprior.
- 1.2 This By-law does not provide authority for:
 - a) Provincial Highways;
 - b) County of Renfrew highways;
 - c) Private roads;
 - d) Any highways situated outside the Town of Arnprior including but not limited to the portion of any boundary road not owned by the Town of Arnprior

2 Definitions

- 2.1 **Off-Road Vehicle (ORV)** means an off-road vehicle as defined in the Highway Traffic Act under Ontario Regulation 316103, as amended, as described in Section 1 of the definitions as:

“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. 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;

“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;

“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;

2.2 **Municipal Highway** means an open public highway under the jurisdiction of the Corporation of the Town of Arnprior.

3 Regulations

Only those off-road vehicles falling within the definition of “all-terrain vehicle,” multi-purpose off-highway utility vehicle’ and ‘recreational off-highway vehicle” may be driven on highways and approved trails under the jurisdiction of the Town of Arnprior provided that:

- 3.1 The off-road vehicle meets all the equipment requirements and operation requirements of O.Reg. 316/03, as amended.
- 3.2 An off-road vehicle shall not be driven at a rate of speed greater than:
 - 3.2.1 20 km/hr 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 km/hr; or

- 3.2.2 20 km/hr 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 km/hr,
- 3.3 Off-road vehicles do not travel between one-half hour after sunset and one-half hour before sunrise.
- 3.4 Off-road vehicles do not travel upon any municipally owned or municipally maintained lands such as parks, playgrounds, beaches, sports fields, cemeteries, and the Nick Smith Centre save and except any designated parking areas made available as an off-road vehicle staging area to facilitate access to municipal roadways and regionally approved trails.
- 3.5 Off-road vehicles shall be permitted on all highways, or parts of such highways, to facilitate access to approved trails with the exception of:
 - 3.5.1 John Street from Meehan Street to Robert Simpson Park; and
 - 3.5.2 Elgin Street from Daniel Street to Madawaska Street; and
 - 3.5.3 Ottawa Street from John Street to Harrington Street.

4 Enforcement and Penalty

- 4.1 Any person who contravenes the Highway Traffic Act or its regulations or 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, as amended.
- 4.2 This by-law may be enforced by the Ontario Provincial Police or a municipal law enforcement officer.

5 Validity and Severability

- 5.1 Every provision of this By-law is declared severable from the remainder if any provision of this by-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

6 Effective Date

- 6.1 This By-law shall come into force and effect immediately on the passing of a County of Renfrew By-law regulating the operation of Off-Road Vehicles on County of Renfrew Roads and/or parts of roads within the Town of Arnprior.

Enacted and passed this 28th day of November, 2016.

Original signed by
David Reid, Mayor

original signed by
Maureen Spratt, Town Clerk