

THE CORPORATION OF THE TOWNSHIP OF ATHENS

BY-LAW #2020-07

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BEING A BY-LAW TO REGULATE THE OPERATION OF OFF-ROAD VEHICLES (ORVs) ON MUNICIPAL ROADS WITHIN THE JURISDICTION OF THE TOWNSHIP OF ATHENS

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WHEREAS the Highway Traffic Act R.S.O. 1990, Section 191.8(1) Chapter H.8 as amended, states 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 Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, Chapter H.8 as amended, states that the Council of a municipality may pass by-laws;

NOW THEREFORE Council of the Corporation of the Township of Athens enacts as follows:

1. Definitions:

1.1. "Highway" shall have the same meaning as defined in the Highway Traffic Act.

1.2. "Low Pressure Bearing Tire" shall have the same meaning as defined in the Highway Traffic Act.

1.3 "off-road vehicle (ORV)" means several different vehicles designed for off-road, however, only certain off-road vehicles that meet the requirements in Ont. Reg 316/03 are permitted on-road, including:

- (a) "all-terrain vehicle (ATV & two-up ATV)" means an off-road vehicle "single-rider" & "two-up all-terrain vehicle) that,
  - (i) has four wheels, the tires of which are all in contact with the ground,
  - (ii) has steering handlebars,
  - (iii) has a seat that is designed to be straddled by the driver, and
  - (iv) is designed to carry,
    - (A) a driver only and no passengers, or
    - (B) a driver and only one passenger, if the vehicle,
      - (I) has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
      - (II) is equipped with foot rests for the passenger that are separate from the foot rests for the driver;

- (b) "extreme terrain vehicle (XTV)" means an off-road vehicle that,
  - (i) has six or eight wheels, the tires of which are all in contact with the ground,
  - (ii) has no tracks that are in contact with the ground,
  - (iii) has seats that are not designed to be straddled, and
  - (iv) has a minimum cargo capacity of 159 kilograms;

- (c) "multi-purpose off-highway utility vehicle (UTV)" means an off-road vehicle that,
  - (i) has four or more wheels, the tires of which are all in contact with the ground,
  - (ii) has a steering wheel for steering control,
  - (iii) has seats that are not designed to be straddled, and
  - (iv) has a minimum cargo capacity of 159 kilograms;

(d) “**off-road motorcycle (ORM)**” means an off-road vehicle, designed primarily for recreational use, that,

- (i) has steering handlebars,
- (ii) has two wheels, the tires of which are all in contact with the ground,
- (iii) has a minimum wheel rim diameter of 250 millimetres,
- (iv) has a minimum wheelbase of 1,016 millimetres,
- (v) has a seat that is designed to be straddled by the driver,
- (vi) is designed to carry a driver only and no passengers, and
- (vii) does not have a sidecar;

(e) “**recreational off-highway vehicle (ROV)**” means an off-road vehicle that,

- (i) has four or more wheels, the tires of which are all in contact with the ground,
- (ii) has a steering wheel for steering control,
- (iii) has seats that are not designed to be straddled, and
- (iv) has an engine displacement equal to or less than 1,000 cubic centimetres;

## **2. Driver safety requirements:**

- 2.1 No driver of an ORV shall drive on a Municipal road without wearing an approved helmet.
- 2.2 No driver of an ORV shall operate such vehicle on any Municipal road without a valid G2 or M2 driver’s licence.
- 2.3 Driver must be at least 16 years old.
- 2.4 Driver must wear a seat belt, where provided.
- 2.5 All ORV’s shall travel on shoulder of road, but where unavailable, right most portion of the roadway.
- 2.6 An ORV shall not be driven at a rate of speed greater than:
  - (a) 20 kilometres per hour, if the speed limit established under the Highway Traffic Act or by municipal by-law for that part of the highway is not greater than 50 kilometres per hour;
  - (b) 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 kilometres per hour.
- 2.7 All ORVs must be driven in the same direction as traffic.
- 2.8 Driver must carry the ATV/ORV’s registration permit.

## **3. Passenger safety requirements:**

- 3.1 No passengers are permitted on ORMs while operating on-road.
- 3.2 If the vehicle was manufactured with a seat belt assembly, everyone must be properly buckled up.
- 3.3 If the vehicle has passenger foot rests, the passenger must be able to reach these foot rests.
- 3.4 The number of occupants is limited to the number of available seating positions.

- 3.5 No passengers under the age of 8 are allowed and additional passenger restrictions apply if the driver is a young and novice driver with a minimum G2 or M2 licence.
- 3.6 All riders – drivers and passengers – must wear an approved motorcycle helmet.

#### **4. Vehicle Requirements:**

- 4.1 As an alternative to the standards listed in s.10 of Ontario Reg 316/03 XTV's must comply with sections 7.2, 7.3, 7.4, 7.5 (other than section 7.5.1), 7.6, 7.7, 7.8 and 7.9 of the Society of Automotive Engineers Standard J2258, entitled "Light Utility Vehicles" (braking ability, lighting, rollover protection).
- 4.2 XTVs that are tracked are not permitted on-road.
- 4.3 All ORVs must have headlights and taillights on between sunset and sunrise (nighttime riding) or when the weather is unfavourable.
- 4.4 Operation of off-road vehicles shall be permitted, by by-law upon all highways under the jurisdiction of the Township of Athens.
- 4.5 ORMs must have a minimum wheel rim diameter of 250mm, and has a minimum wheelbase of 1 016 mm.
- 4.6 ORMs may meet federal definition for Restricted Use Motorcycles, and would need to meet federal standards, or may be Competition Vehicles, for which no federal standards apply.
- 4.7 Vehicle must be registered and plated.
- 4.8 Vehicle must be insured.
- 4.9 Vehicle must have wheels in contact with the ground.

#### **5. Regulation of OVRs on Highways:**

- 5.1 No person shall operate an ORV on a highway in contravention of Ontario Regulation 316/03, made under the *Highway Traffic Act* as amended or replaced from time to time.

#### **6. General:**

- 6.1 Operation of off-road vehicles shall be permitted, by by-law upon all highways under the jurisdiction of the Township of Athens.
- 6.2 Off-road vehicles are restricted to the parking areas only of any municipal park.
- 6.3 Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall, upon conviction thereof, pay a penalty established under the Off-road Vehicles Act, R.S.O. 1990, c.O.4 or the Highway Traffic Act, R.S.O. 1990, c. H.8, as applicable, and where such a penalty is not established under those Acts shall pay a penalty not exceeding the maximum fine permitted under the Provincial Offences Act, R.S.O. 1990, c. P.33.
- 6.4 This By-law may be enforced by any police officer, as defined in the Provincial Offences Act, R.S.O. 1990, c. P.33.

7. Where any By-Law, passed prior to this By-Law, conflicts with the terms of this By-Law, this By-law shall prevail.
8. That this by-law shall come into force and take effect upon the final passing thereof.

**READ A FIRST AND SECOND TIME THIS 8<sup>th</sup> DAY OF SEPTEMBER 2020.**

**READ A THIRD TIME AND FINALLY PASSED THIS 8<sup>TH</sup> DAY OF SEPTEMBER 2020.**

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**MAYOR**

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**CLERK**