

Being a by-Law to regulate the operation of
All-Terrain, Multi-Purpose Off-Highway
Utility and Recreational Off-Highway
Vehicles on municipal highways within the
Town of Renfrew

WHEREAS Section 8 of the *Municipal Act, 2001, S.O. 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 the *Highway Traffic Act, R.S.O. 1990, chapter H.8, Section 191.8, subsection (3)*, as amended, provides that a council of a municipality may pass a by-law:

- i) permitting the operation of off-road vehicles with three or more wheels on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway; and
- ii) prescribing a lower rate of speed for off-road vehicles with three or more wheels than that prescribed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction, or any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways; and

WHEREAS the Council of the Corporation of the Town of Renfrew is desirous to promote off- road vehicle use within the municipality to enhance the local economic benefits associated with this growing demographic, by allowing access to accommodations, fuel, food etc..

NOW THEREFORE the Council of the Corporation of the Town of Renfrew enacts as follows:

1) DEFINITIONS

“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.

1) DEFINITIONS cont'd

“**Highway**” includes a common and public highway, street, avenue, parkway, driveway, square, place, 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.

“**Off-road vehicle**” shall mean an off-road vehicle within the meaning of the *Off-Road Vehicles Act, R.S.O. 1990, O.Reg. 316/03, S.1*, as amended.

2) JURISDICTION

This by-law regulates the use of all off-road vehicles on all highways under the jurisdiction of the Town of Renfrew only.

This by-law does not provide authority for:

- a) County of Renfrew, upper-tier municipality, highways
- b) Private roads
- c) Any highways situated outside the Town of Renfrew including the portion of any boundary road not owned by the Town of Renfrew.

3) REGULATION OF OFF-ROAD VEHICLES ON HIGHWAYS

Only those off-road vehicles falling within the definition of an all-terrain vehicle, a multi-purpose off-highway utility vehicle and a recreational off-highway vehicle in this by-law, may be driven on highways under the jurisdiction of the Town of Renfrew provided that:

- a) the off-road vehicle meets all the equipment requirements and operation requirements of O. Reg. 316/03, as amended by O. Reg. 135/15,
- b) the off-road vehicle shall not be driven at a rate of speed greater than:
 - i) 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
 - ii) 50 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,
- c) the off-road vehicles do not travel on highways between 12:00 a.m. and 6:00 a.m.,
- d) the off-road vehicles do not travel upon any municipally owned or municipally maintained lands used as parks, playgrounds or for utility purposes unless expressly permitted by municipal by-law, save and except the designated parking area located at Ma-te-way Park which shall be made available as an off-road vehicle staging area to facilitate access to municipal roadways and regionally approved trails.
- e) the off-road vehicles shall be permitted on all highways, or parts of such highways, with the exception of:
 - i) Raglan Street South (Hwy. 60) from Munroe Avenue to the intersection of Hall Avenue and Veterans' Memorial Boulevard; and
 - ii) Veterans' Memorial Boulevard (Hwy. 60).

4) PENALTIES

Any person who contravenes the *Highway Traffic Act* or its Regulations or this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*.

5) ONE-YEAR REVIEW

This By-Law shall be reviewed by the Renfrew Parks & Recreation Committee every three (3) months, and that the Committee shall prepare a summary report with recommendations to Town Council for its review within one year from the date of enactment of said By-law.

6) VALIDITY AND SEVERABILITY

If any section, clause or provision of this By-Law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the By-Law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

7) EFFECTIVE DATE

This By-Law shall come into force and effect October 9, 2015, upon the passing thereof by the Council of the Corporation of the Town of Renfrew.

Read a first and second time this 28th day of September, 2015.

Read a third and final time this 28th day of September, 2015.

Don Eady, Mayor

Kim R. Bulmer, Clerk

Map to By-Law 59-2015

