

CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW NO. 09-16

A By-Law to Regulate the Operation of Off-Road Vehicles on Municipal Highways within the Village of Merrickville-Wolford.

WHEREAS the Council of the Corporation of the Village of Merrickville-Wolford deems it appropriate to pass a by-law to regulate, govern and limit the operation of Off-Road Vehicles (ORVs) on Municipal Roads within the municipality;

AND WHEREAS the *Highway Traffic Act*, 1990, as amended, and Ontario Regulation 316/03 authorizes municipalities to pass by-laws permitting ORVs to be operated on highways or part of highways within the municipality and during specific months and hours as set out;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford enacts as follows:

SECTION 1: DEFINITIONS.

In this By-Law:

- 1.1. "Off-road vehicle (ORVs)" means an off road vehicle as defined in the Off-Road Vehicles Act.
- 1.2. "Highway" includes a common and open 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.
- 1.3. "Roadway" means the part of the highway that is improved, designed, or ordinarily used for vehicle traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not all of the roadways collectively.
- 1.4. "County Roads" means the highways under the jurisdiction of the United Counties of Leeds and Grenville or another municipality and are not a part of this By-Law, and the use of those highways by ORVs shall be governed by their applicable Acts or By-Laws.
- 1.5. Where not elsewhere specified in this By-Law, all definitions shall be the same as those in the Municipal Act and Highway Traffic Act, Off Road Vehicles Act and their regulations, as applicable.

SECTION 2: REGULATIONS.

- 2.1 The operation of ORVs shall be permitted upon the highways under the jurisdiction of the Corporation of the Village of Merrickville-Wolford as listed in Schedule "A" in accordance with the provisions of this by-law and in accordance with Ontario Regulation 316/03 of the *Highway Traffic Act*, the *Off-Road Vehicles Act*, including, but not limited to the following:
 - a) There is only one driver of the ORV;
 - b) All tires on the ORV are low pressure bearing tires;
 - c) The ORV must meet the Motor Vehicle Safety Standards prescribed for restricted-use motorcycles in the Motor Vehicle Safety Regulations made under the *Vehicle Safety Act*;
 - d) The ORV must be equipped with a service brake, parking brake and parking mechanism;

- e) The ORV must be equipped with one or two lamps that emit a white light on the front of the vehicle and one or two lamps that emit a red light at the rear of the vehicle and must be lit at all time when operating on the highway;
- f) The ORV must be operated under the authority of a permit issued under Section 5 of the *Off-Road Vehicles Act* and a number plate showing the number of the permit clearly displayed;
- g) The ORV shall be insured in accordance with Section 2 of the *Compulsory Automobile Insurance Act* and Section 15 of the *Off-Road Vehicles Act*;
- h) The driver of the ORV shall hold a valid Class A, B, C, D, E, F, G, G2, M or M2 driver's license, unless exempt under the *Act*;
- i) All riders -- including drivers and passengers of all ages -- must wear a helmet and use a seatbelt or footrests, where applicable. Helmets must comply with Section 19 of the *Off-Road Vehicles Act*;
- j) The ORV shall not be driven at a rate of speed greater than 20 kilometres per hour, if the speed limited established under the *Highway Traffic Act* for that part of the highway is not greater than 50 kilometres per hour, or 50 kilometres per hour, if the speed limit established under the *Highway Traffic Act* for that part of the highway is greater than 50 kilometres per hour; and,
- k) The ORV shall be driven on the shoulder of the highway in the same direction as the traffic using the same side of the highway, except where there is no shoulder or the shoulder is obstructed in which case the ORV may be driven on the roadway.

2.2 The operation of ORVs shall be permitted only during the hours specified in Schedule "B".

SECTION 3: GENERAL.

- 3.1 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 in the *Provincial Offences Act*.
- 3.2 The Clerk of Merrickville-Wolford is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatical, semantic or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
- 3.3 This By-Law shall come into effect on the date of passing.
- 3.4 This By-Law shall be subject to review one year from the date of passing. Council will seek public input and consider feedback at that time.

Read a first and second time this 30th day of March, 2016.

Read a third and final time and passed this 30th day of March, 2016.

Anne Barr, DEPUTY MAYOR

Arie Hoogenboom, Clerk

CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

SCHEDULE "A"

TO BY-LAW NO 09 - 16

Off-road vehicles (ORVs) shall be permitted on all highways within the Corporation of the Village of Merrickville-Wolford under the jurisdiction of the Village of Merrickville-Wolford. This authority shall not extend to highways under the jurisdiction of the United Counties of Leeds and Grenville.

Notwithstanding the above, residents within the Village and hamlet boundaries of Merrickville, Jasper, Eastons Corner and Carleys Corners may travel on ORVs to and from permitted highways by the most direct route.

This By-Law does not regulate the use of ORV's on private roads and right-of-ways.

A person may not operate an ORV on an unopened or unmaintained highway. For further clarification, where a municipal facility, including a park, recreation facility, beach, boat launch, parking lot, building, harbor or other defined yard or area of service is located on a highway, that highway shall be deemed to be unopened and/or unmaintained highway for the purpose of this By-Law.

(Schedule "A" amended by By-Law 17-2017 on March 27, 2017)

Consolidated version. Amended By-Law 17-2017 on March 27, 2017

CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

SCHEDULE "B"

TO BY-LAW 09-16

Off-road vehicle (ORVs) shall be permitted on all roads within the Corporation of the Village of Merrickville-Wolford under the jurisdiction of the Village of Merrickville-Wolford during the following periods:

One half (1/2) hour before sunrise to one half (1/2) hour after sunset.