

The Corporation of the County of Peterborough

By-law No. 2022-61

A by-law to regulate the operation of Off-Road Vehicles (ORVs) on highways and roadways within the jurisdiction of the County of Peterborough

Whereas Section 28 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that a municipality has jurisdiction over all highways over which it had jurisdiction or joint jurisdiction on December 31, 2002, all highways established by by-law of that municipality as enacted on or after January 1, 2003, and all highways otherwise transferred to that municipality pursuant to the Public Transportation and Highway Improvement Act or any other Act;

And Whereas Section 191.8 (1) of the Highway Traffic Act, R.S.O. 1990, c. H. 8, (the "Highway Traffic Act"), provides 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 provides a municipality is authorized to enact a by-law prohibiting or permitting the operation of Off-Road Vehicles on any highway, or any part or parts thereof, within its municipality and under its jurisdiction and/or otherwise permitting and otherwise regulating operation of such Off-Road Vehicles on such highways, or any part or parts thereof;

And Whereas Council adopted an Off-Road Vehicle By-law on May 18, 2016 as By-law No. 2016-35;

And Whereas at the Council meeting of June 29, 2022, Council accepted Report PPW 2022-27 Off-Road Vehicle (ORV) By-law and by Resolution No. 243-2022 directed the Warden and Clerk to sign the ORV By-law once approved by legal counsel;

And Whereas Council deems it expedient to pass a by-law under Ontario Regulation 316/03 to permit and regulate the use of Off-Road Vehicles on select County Roads, provided that such Off-Road Vehicles comply with the conditions, regulations and prohibitions contained in this by-law;

Now Therefore the Council of the Corporation of the County of Peterborough enacts as follows:

1. Definitions

For the purposes of this by-law,

"County road" means a highway under the jurisdiction of the Corporation of the County of Peterborough as described in County Roads Consolidating By-law No.

2008-20 and Schedule "A" as amended by By-law Nos. 2010-19, 2013-69 and 2017-60;

"Off-Road Vehicle" as defined in Section 1 of the Off-Road Vehicles Act, R.S.O. 1990, c. O.4 means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel, and may include the following vehicle types:

"all-terrain vehicle" as defined in Section 1(1) of Ontario Regulation 135/15 of the Highway Traffic Act 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 footrests for the passenger that are separate from the footrests for the driver;

and in all respects meets the requirements of the Highway Traffic Act and the Off-Road Vehicles Act and any Regulations passed thereunder, as amended and as may be replaced from time to time, and, where thereby applicable, the expression "Off-Road Vehicle" shall have the corresponding meaning;

"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;

and in all respects meets the requirements of the Highway Traffic Act and the Off-Road Vehicles Act and any Regulations passed thereunder, as amended and as may be replaced from time to time, and, where thereby applicable, the expression "Off-Road Vehicle" shall have the corresponding meaning;

"multi-purpose off-highway utility vehicle" as defined in Section 1(1) of Ontario Regulation 135/15 of the Highway Traffic Act 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;

and in all respects meets the requirements of the Highway Traffic Act and the Off-Road Vehicles Act and any Regulations passed thereunder, as amended and as may be replaced from time to time, and, where thereby applicable, the expression "Off-Road Vehicle" shall have the corresponding meaning;

"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 wheelbase of 1,016 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;

and in all respects meets the requirements of the Highway Traffic Act and the Off-Road Vehicles Act and any Regulations passed thereunder, as amended and as may be replaced from time to time, and, where thereby applicable, the expression "Off-Road Vehicle" shall have the corresponding meaning;

- (a) on not more than three wheels, or
- (b) on more than three wheels and being of a prescribed class of vehicle;

"recreational off-highway vehicle" as defined in Section 1(1) of Ontario Regulation 135/15 of the Highway Traffic Act 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;

and in all respects meets the requirements of the Highway Traffic Act and the Off-Road Vehicles Act and any Regulations passed thereunder, as amended and as may be replaced from time to time, and, where thereby applicable, the expression "Off-Road Vehicle" shall have the corresponding meaning.

2. **Interpretation & Severability**

- (a) The headings and subheadings used in this by-law are inserted for convenience of reference only, form no part of this by-law and shall not affect in any way the meaning or interpretation of the provisions of this by-law.
- (b) Wherever a word defined in this by-law is used in the form of a noun, verb, adverb or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case.
- (c) All words importing the singular shall include the plural, and words imparting the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the by-law requires otherwise.
- (d) A reference to any legislation, by-law, or any provision thereof in this by-law shall include reference to any amendment to, modification or re-enactment thereof, any legislative provision substituted therefor, any regulation made thereunder, and any successor legislation or by-law.
- (e) Any other words or phrases used in this by-law, unless the contrary intention appears, have the same meaning as in the Highway Traffic Act.
- (f) If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this by-law that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

3. **Prohibition Unless Equipment Requirements Met** - An Off-Road Vehicle shall not be operated on a County road unless it meets the equipment requirements of Sections 7 to 15 of Ontario Regulation 316/03, as amended by Ontario Regulation 135/15 and the Off-Road Vehicle is operated in accordance with Sections 16 to 24 of the aforesaid regulation.

4. **Prohibited Periods of Operation** - Off-Road Vehicles shall not travel on County roads between December 1st to March 31st annually.
5. **Prohibited Times of Operation** - Off-Road Vehicles shall not travel on County roads between the hours of 9:00 p.m. and 8:00 a.m.
6. **Speed Limit** - An Off-Road Vehicle shall not be driven at a rate of speed greater than:
 - (a) 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 60 km/hr; or
 - (b) 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 60 km/hr.
7. **Prohibited Exhaust System** - An Off-Road Vehicle shall not be permitted to travel on a municipal highway if the exhaust system has been altered over the manufacturer's recommended decibel level.
8. **Permitted Roads** - Permitted County roads that are designated for the use of Off-Road Vehicles are listed in Schedule "A" attached hereto and forming part of this by-law and are enforceable as such. Changes to the permitted County roads list listed in Schedule "A" may only be considered upon receipt of written concurrence of the lower tier municipality in which the County road to be added or deleted is located.
9. **Prohibitions** - No person shall operate an Off-Road Vehicle:
 - (a) over or upon any County or municipally owned or municipally maintained land that is located adjacent to a County road for use as a park, parkland, playground or for utility purpose;
 - (b) any sidewalk, footpath or other area meant solely for pedestrian traffic;
 - (c) any other public highway, private property, road or driveway without the consent of the owner thereof other than the roads listed in Schedule "A";
 - (e) any unopened road allowance or part of an unopened road allowance under the jurisdiction of the County;
 - (f) on any County roads other than the roads listed in Schedule "A".
10. **Operators of Off-Road Vehicles** - Operators of Off-Road Vehicles shall:
 - (a) wear a helmet while operating on all County roads;
 - (b) hold a valid driver's G2 or M2 licence;

- (c) be insured under a valid motor vehicle liability policy in full force and effect for no less than \$1,000,000 per occurrence;
- (d) carry and produce a registration permit or a true copy;
- (e) wear a seat belt where provided; and
- (f) travel at speeds less than the posted speed limit.

11. **Travel Direction** - Travel must be in the same direction as traffic and must travel on the shoulder of the County road but may operate on the travelled portion of the County road only if the shoulder is unsafe or not wide enough as determined by the Operator.

An individual operating an Off-Road Vehicle shall not travel in the opposite direction of traffic.

12. **Use At Own Risk**

- (a) In recognition that the permission granted in this by-law is a privilege, every person intending to exercise the permission shall be deemed to have agreed to all of the terms and conditions in this by-law;
- (b) Each person exercising the permissions granted in this by-law acknowledges and accepts that the County of Peterborough does not, in any way, warrant, represent or undertake that the public highways to which permission applies are suitable for or maintained to permit use by Off-Road Vehicles. Each person using a County Road is doing so at their own risk. Each such person shall not, at any time, under any circumstances, claim or attempt to claim, in any proceedings whatsoever that the public highway was not suitable for Off-Road Vehicle use; and
- (c) Where the County of Peterborough incurs any loss, costs or damages as a result of any person exercising the permission in this by-law, each such person shall, upon request, reimburse the County of Peterborough for all such loss, costs and damages.

13. **Exemptions** - This by-law does not apply to police, fire, ambulance, search and rescue or any other emergency vehicle.


The exemptions governing crossing a highway, farmers and trappers and public works functions as set out in Sections 25, 26, 27 and 28 of the Operation of Off-Road Vehicles on Highways, Ontario Regulation 316/03 shall apply to this by-law.

14. **Parking** - Off-Road Vehicles shall be subject to all regulations and by-laws governing the parking of vehicles within the County of Peterborough.

15. **Enforcement** - This by-law shall be enforced by that Person, persons, agency or authority appointed by the Council of the Corporation of the County of Peterborough, including:
- i. each person from time to time appointed as a municipal law enforcement officer to enforce any or all of the County's by-laws;
 - ii. a police officer employed by the Peterborough Police Service, the Ontario Provincial Police or the Royal Canadian Mounted Police.
16. **Further Enforcement Related Offences** - No person shall:
- (a) hinder, obstruct or interfere with a police officer or a municipal law enforcement officer in the lawful execution of his or her duties under this by-law;
 - (b) while operating an Off-Road Vehicle as contemplated by this by-law, fail to stop that Off-Road Vehicle when directed to do so by a police officer or a municipal law enforcement officer while executing his or her duties under this by-law; or
 - (c) While operating an Off-Road Vehicle or any passenger thereon, fail to identify himself or herself when demanded to do so by a police officer or a municipal law enforcement officer while executing his or her duties under this by-law.
17. **Penalties** - Any person who contravenes any provision of this by-law is guilty of an offence and on conviction, where a fine for the contravention is not otherwise provided under the Highway Traffic Act, is liable to a maximum penalty as set out in Section 61 of the Provincial Offences Act as amended or any successor thereof and to any other applicable penalty.
18. **Administration** - The Director of Planning and Public Works and the Clerk are responsible for the administration of this by-law.
19. **Effective Date** - This by-law shall come into force on the date signed and sealed by the Warden and Clerk.
20. **By-law Repealed** - By-law No. 2016-35 is repealed on the effective date of this by-law.
21. **Short Name** - This by-law shall be commonly called the "ORV By-law".

Read and approved on the 29th day of June, 2022.

Signed and sealed by the Warden and Clerk pursuant to Resolution No. 243-2022 on the 18th day of October, 2022.



J. Murray Jones, Warden



Kari Stevenson, Clerk

The Corporation of the County of Peterborough
By-law No. 2022-61 Schedule "A"

County Roads (CR) permitted for ORV/ATV Use

Lower Tier Municipality	County Road/Structure	Identified Road Section Per Roads Consolidating By-law 2008-20A - Plan Number	Date of Inclusion
Asphodel-Norwood	CR 2	2-3 (excluding CR 2 west of Asphodel Conc.1 Lot 5)	
Asphodel-Norwood	CR 8	8-2 (excluding CR 8 north of Asphodel Conc. 5 Lot 20)	
Asphodel-Norwood	CR 42	42-1 (excluding CR 42 east of Asphodel Conc.12 Lot 15/16)	
Asphodel-Norwood	CR 45	45-1 (excluding CR 45 north of Asphodel Conc.8/9 Lot 15)	
Havelock-Belmont-Methuen	CR 6	6-2 (excluding CR 6 south of Methuen Conc. 12 Lot 11)	
Havelock-Belmont-Methuen	CR 30	30-1	
Havelock-Belmont-Methuen	CR 42	42-1	
Havelock-Belmont-Methuen	CR 44	44-1 (excluding CR 44 west of Methuen Conc. 12 Lot 2)	
Havelock-Belmont-Methuen	CR 46	46-1	
Havelock-Belmont-Methuen	CR 46	46-2	
Havelock-Belmont-Methuen	CR 46	46-3 (excluding CR 46 north of Methuen Conc 4 Lot 32)	
Havelock-Belmont-Methuen	CR 47	47-1	
Havelock-Belmont-Methuen	CR 48	48-1	
Havelock-Belmont-Methuen	CR 48	48-2	
North Kawartha	CR 6	6-2 (excluding CR 6 south of Burleigh Conc. 12 Lot 1 & excluding CR 6 north of Burleigh Conc. 12 Lot 6)	
North Kawartha	CR 46	46-3	

		(excluding CR 46 south of Chandos Conc. 2 Lot 20)	
North Kawartha	CR 52	52-1	
North Kawartha	CR 54	54-1	
North Kawartha	CR 504	504-1	
North Kawartha	CR 504	504-2	
North Kawartha	CR 620	620-1	
North Kawartha	CR 620	620-2	
North Kawartha	CR 620A	620A-1	
Otonabee-South Monaghan	CR 2	2-1 (excluding CR 2 west of Otonabee Conc. 10 Lot 12/13)	
Otonabee-South Monaghan	CR 2	2-2	
Otonabee-South Monaghan	CR 2	2-3 (excluding CR 2 east of Otonabee Conc. 1 Lot 17)	
Otonabee-South Monaghan	CR 31	31-1	
Otonabee-South Monaghan	CR 34	34-1 (excluding CR 34 north of the north half of Otonabee Conc. 6/7 Lot 18 & south of Otonabee Conc. 6/7 Lot 13)	
Trent Lakes	CR 36	36-1	
Trent Lakes	CR 36	36-2	
Trent Lakes	CR 36	36-3	
Trent Lakes	CR 37	37-1	
Trent Lakes	CR 503	503-1	
Trent Lakes	CR 507	507-1	
Trent Lakes	CR 507	507-2	
Trent Lakes	CR 507	507-3	