

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2015-43

BEING A BY-LAW TO PERMIT THE OPERATION OF OFF-ROAD VEHICLES ON ANY HIGHWAY WITHIN THE MUNICIPALITY THAT IS UNDER THE JURISDICTION OF THE MUNICIPALITY, OR ON ANY PART OR PARTS OF SUCH HIGHWAYS

WHEREAS the Highway Traffic Act, R.S.O. 1990, Section 191.8 (1) Chapter H.8 as amended, states no person shall drive an off-road vehicle on a highway except in accordance with the regulations and any applicable municipal By-Laws 1999, c. 12, Sched. R, s. 17.

AND WHEREAS Section 191.8 (3) (a) of the Highway Traffic Act, R.S.O. 1990 Chapter H.8 as amended, states that the Council of a municipality may pass By-Law 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 WHEREAS Section 4 (2) of Ontario Regulation 316/03 states “all-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles may be driven on a highway listed in Schedule B if the requirements of Part III are met.” O. Reg. 135/15, s. 2.

NOW THEREFORE the Council of the Corporation of the Municipality of French River enacts as follows:

PART I - SHORT TITLE

1. This By-Law may be cited as the “Off-Road Vehicle By-Law”.

PART II - DEFINITIONS AND INTERPRETATION

2. In this By-Law,

“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 passengers that are separate from the foot rests for the driver.

“Council” means the elected council for the Municipality;

“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;

“Municipality” means the Corporation of The Municipality of French River;

“Off-road vehicle” means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,
(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” 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;

PART III – GENERAL PROVISIONS

3.1 For the purpose of this By-Law, off-road vehicles shall mean all-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles as per the following definition and are the only types of off-road vehicles permitted on municipal highways and roads.

PART IV – OPERATION OF OFF-ROAD VEHICLE

4.1 Every person operating an off-road vehicle within the Municipality of French River shall comply with the provisions prescribed by the Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways and the Highway Traffic Act, R.S.O. 1990, c. H.8.

PART V – EXCEPTIONS

5.1 No person shall operate an off-road vehicle over or upon the following areas listed in Schedule “A” attached hereto and forming part of this By-Law.

PART VI – ENFORCEMENT

6.1 Any person who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for under the Highway Traffic Act, R.S.O. 1990, c. H.8 and the Compulsory Automobile Insurance Act R.S.O. 1990, CHAPTER C.25.

PART VII – SEVERABILITY

- 7.1 Should a court of competent jurisdiction declare a part or whole of any provision of this By-Law to be invalid or of no force and effect, the provision or part is deemed severable from this By-Law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

PART VIII – SCHEDULES

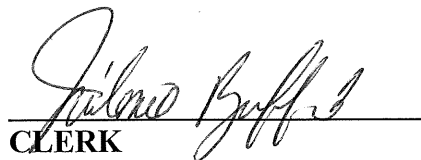
- 8.1 Schedules “A” shall be deemed to form part of this By-Law.

PART IX – AUTHORITY

- 9.1 By-Law 2008-22 is hereby repealed.
- 9.2 This By-Law shall come into force and take effect on the day it is passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 8th DAY OF JULY 2015.**


MAYOR


CLERK

SCHEDULE "A"
To By-Law 2015-43

ITEM	PROHIBITED AREAS OF OPERATION AT ALL TIMES	DESCRIPTION/ LOCATION
1.	On any sidewalk within the jurisdiction of the Municipality of French River;	Sidewalks found within the Towns of Alban, Noëlville and Monetville comprising the jurisdiction of the Municipality of French River.
2.	On and/or around the property lines of the Municipal Complex of the Municipality of French River;	44 St. Christophe St., Noëlville, ON P0M 2N0
3.	On and/or around the property lines of the Alban Community Center including all Green Space Areas;	796 Hwy 64, Alban, ON P0M 2N0
4.	On and/or around the property lines of the Noëlville Community Center including all Green Space Areas;	21 St. Christophe St., Noëlville, ON P0M 2N0
5.	On and/or around the property lines of the Notre Dame de Lourdes Roman Catholic Cemetery;	1124 Hwy 64, Alban, ON POM 1A0
6.	On and/or around the property lines of St. David Roman Catholic Cemetery;	8 Notre Dame St. E, Noëlville, ON P0M 2N0
7.	On and/or around the property lines of Joe Chartrand Park;	Joe Chartrand Park 200 St. David St. N, Noëlville, ON P0M 2N0
8.	On and/or around the property lines of the Verchères St. Parkette.	38 St. David St. N, Noëlville, ON P0M 2N0