

THE CORPORATION OF THE TOWN OF DEEP RIVER

BY-LAW NUMBER 20-2023

A BY-LAW TO PERMIT AND REGULATE THE OPERATION OF OFF-ROAD VEHICLES ON MUNICIPAL HIGHWAYS WITHIN THE TOWN OF DEEP RIVER

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 Council for the Town of Deep River wishes to authorize a time-limited Pilot Project to assess the viability of allowing the use of off-road vehicles on municipal highways within the Town of Deep River;

AND WHEREAS the *Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8*, as amended, provides that a council of a municipality may pass a by-law:

- i) permitting the operation of off-road vehicles with four or more wheels on any highway within the municipality that is under the jurisdiction of the municipality, or on any parts of such highway; and
- ii) prescribing a lower rate of speed for off-road vehicles with four 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 highways, including prescribing different rates of speed for different highways or parts of highways; and
- iii) prescribing specific months or hours during which off-road vehicles can be operated on a municipal highway or parts of highways

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Deep River enacts an off-road vehicles pilot project for a period of three (3) years commencing May 10th, 2023 and ending on May 10th, 2026 as follows:

1. PURPOSE

The purpose of this By-law is to regulate and provide conditions to allow residents to utilize off-road vehicles on municipal highways within the Town of Deep River for a set period of time, and to ensure compliance with the parameters / rules of this by-law, as well as any associated provincial or federal enactments that may apply.

2. DEFINITIONS

"Off-Road Vehicle (ORV)" means an off-road vehicle as defined in the *Highway Traffic Act* under Ontario Regulation 316/03, as amended, as described in Section 1 of the definitions as:

"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 and no passengers, or
 - ii. a driver and only one passenger, if the vehicle, has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and 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 or less than 1,000 cubic centimeters

“Highway” means an open public highway or all classes of roads intended for vehicle passage (paved and unpaved roads and back-alleys) under the jurisdiction of the Corporation of the Town of Deep River and subject to the *Highway Traffic Act, R.S.O. 1990*.

3. JURISDICTION

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

This by-law does not provide authority for:

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

4. REGULATIONS

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 Deep River 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. an off-road vehicle shall not be driven at a rate of speed greater than:
 - i. 20 km/hr 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 km/hr

- c. Off-road vehicles shall not travel between one-half hour after sunset and one-half hour before sunrise
- d. Off-road vehicles shall not travel upon any municipally owned or municipally maintained lands such as parks, playgrounds, beaches, sports fields, cemeteries and trails, save and except any designated parking areas made available as an off-road vehicle staging area to facilitate access to municipal roadways or adjacent trail networks

5. ENFORCEMENT

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

6. PILOT DURATION

The Pilot Project is for a period of three (3) years ending on May 10th, 2026, at which point the By-law shall be reviewed by staff and a summary report with recommendations will be presented to Council.

7. SEVERABILITY

Each provision of this by-law is independent of all other provisions and if any provision of this by-law is declared invalid for any reason, all other provisions of this By-law shall remain valid and enforceable.

This By-law is in force and effect upon its adoption by the Council of the Corporation of the Town of Deep River.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED THIS 10th DAY OF MAY, 2023.


Suzanne D' Eon, MAYOR


Jackie Mellon, CLERK