

**The Corporation of the
United Counties of Prescott and Russell**

By-law 2021-03

To authorize the operation of off-road vehicles on any highway, or on any part or parts of such highways that is under the jurisdiction of the United Counties of Prescott and Russell.

Whereas subsection 191.8 (1) of the *Highway Traffic Act*, R.S.O., 1990, Chapter H.8, as amended, provides that no person shall drive an off-road vehicle on highway except in accordance with the regulations and any applicable municipal by-laws;

And subsection 191.8 (3) of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8 as amended, provides that the Council of a municipality may pass by-laws permitting 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;

And whereas subsection 4.1 (1) of *Ontario Regulation 316/03* states that every highway or part of a highway in a municipality on which an off-road vehicle is permitted to operate under the authority of by-law made by the municipality under subsection 191.8 (3) of the *Act*, but only during the months or hours specified in the by-law if the by-law limits the operation of an off-road vehicle on a highway or part of a highway within the municipality to certain months or hours;

And whereas subsection 4.1 (1) of *Ontario Regulation 316/03*, states that off-road vehicle may be driven on a highway listed on Schedule "A" of this By-law only if meeting the requirements of Part III.

The Council of the Corporation of the United Counties of Prescott and Russell enacts as follows:

1. Definitions

a. The following definitions apply to this By-law:

"all terrain vehicle" means an off-road vehicle that:

- I. has four wheels, the tires of which are all in contact with the ground,
- II. has steering handlebars,
- III. has a seat that is designed to be straddled by the driver, and
- IV. 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;

“corporation” means the Corporation of the United Counties of Prescott and Russell;

“council” means the Council of the Corporation;

“Designated Highway” means a public highway or part thereof, under the jurisdiction of the Corporation, that is indicated on Schedule “A” as being permitted for use by all terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicle under this by-law, as the case may be;

“Director of Public Works” means the Director of Public Works of the Corporation of the United Counties of Prescott and Russell or his representatives.

“extreme terrain vehicle” means an off-road vehicle that:

- I. has six or eight wheels, the tires of which are all in contact with the ground,
- II. has no tracks that are in contact with the ground
- III. has seats that are not designed to be straddled, and
- IV. has a minimum cargo capacity of 159 kilograms;

“highway” includes a common and public highway, street, avenue, parkway, driveway, square, 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;

“multi-purpose off-highway utility vehicle” means an off-road vehicle that:

- I. has four wheels, the tires of which are all in contact with the ground,
- II. has a steering wheel for steering control,
- III. has seats that are not designed to be straddled, and
- IV. has a minimum cargo capacity of 159 kilograms;

“municipal Law Enforcement Officer” means a person appointed by Council under the Police Services Act to enforce the by-laws of the Corporation;

“OFATV” means the Ontario Federation of All Terrain Vehicles;

“off-road motorcycle” means an off-road vehicle, designed primarily for recreational use, that:

- I. has steering handlebars,
- II. has two wheels, the tires of which are all in contact with the ground,
- III. has a minimum wheel rim diameter of 250 millimetres,
- IV. has a minimum wheel base of 1,1016 millimetres
- V. has a seat that is designed to be straddled by the driver.
- VI. is designed to carry a driver only and no passengers, and
- VII. does not have a sidecar;

“off-road vehicle” has the same meaning as in Off-Road Vehicles Act, R.S.O 1990, c.O.4 as amended;

“recreational off-highway vehicle” means an off-road vehicle that,

- I. has four or more wheels, the tires of which are all in contact with the ground,
- II. has a steering wheel for steering control,
- III. has seats that are not designed to be straddled, and
- IV. has an engine displacement equal to or less than 1,000 cubic centimetres;

2. Prohibited use

- a. All terrain vehicle, multi-purpose off-highway utility vehicle and recreational off-highway vehicle shall not be driven on any highway or part of a highway under the jurisdiction of the United Counties of Prescott and Russell that is not a designated highway.
- b. Extreme terrain vehicle and off-road motorcycle shall not be driven on any highway or part of a highway under the jurisdiction of the United Counties of Prescott and Russell.
- c. Off-road vehicles shall not be permitted to travel on any other unopened or opened road allowances under municipal jurisdiction which are not mentioned in schedule “A” of this by-law with the exception of farmers, licensed trappers and representatives of the various levels of government while carrying out their legitimate duties.
- d. No off-road vehicle shall be permitted on any roads, between 11:00 p.m. and 6:00 a.m.
- e. No off-road vehicle shall be permitted on the roads described in schedule “A” during extremely dry conditions, whenever fire restrictions or a ban on fires is in effect. When such restrictions are in effect, the ATV Club of Eastern Ontario Inc. shall be responsible for posting adequate signage regarding the prohibition of use.

3. Rate of Speed

- a. The off-road vehicle shall not be driven at a rate of speed greater than:
 - I. 20 kilometres per hour, 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 kilometres per hour.
 - II. 50 kilometres per hour, 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 kilometres per hour.

4. Liability Insurance

- a. That the ATV Club of Eastern Ontario Inc. provides proof of liability insurance in the amount of \$5,000,000.00 with the United Counties of Prescott and Russell added as additional insured party on the certificate.

5. Regulation 316/03

- a. Any operator of an off-road vehicle is subject to the terms of Regulation 316/03 as amended.
- b. An off-road vehicle shall not be operated on highways unless it meets the equipment requirements of Section 7 to 15 of O, Reg.316/03 and it is operated in accordance with section 16 and 24 of O.Reg.316/03.

6. Responsibility for Repairs

- a. The ATV Club of Eastern Ontario Inc. shall enter into an agreement assuming responsibility for the costs or repairs to the shoulder or road allowance due to off-road vehicle use.

7. Closure for repairs

- a. The county roads shall be inspected by the Director of Public Works or his representative and shall determine if repairs are necessary due to off-road vehicle use and be subject to closure until repaired by the ATV Club of Eastern Ontario Inc. and re-inspected and approved by the Director of Public Works or his representative.

8. Signage – Security Equipment

- a. ATV Club of Eastern Ontario Inc. shall be responsible for providing and installing all signs required along the trail and upon request from adjacent property owners.

9. Failure to perform

- a. Failure to satisfy any of the above noted conditions set-up by the Counties will result in the immediate suspension or rescinding of this by-law.

10. General Provisions

- a. The ATV Club of Eastern Ontario Inc. and OFATV shall take the necessary steps to ensure that its members conduct themselves in such a manner as to respect at all times the content of this by-law.
- b. This by-law shall be reviewed annually to ensure compliance and the Corporation retains the right to revoke the privileges of the ATV Club of

Eastern Ontario Inc. and OFATV should either organisation fail to comply with any of the conditions set out in this by-law.

- c. The Corporation may alter or revoke this by-law at any time.

11. Enforcement and Penalties

- a. This by-law may be enforced by every municipal law enforcement officer appointed by the Corporation from time to time and police officer.
- b. 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 *Highway Traffic Act* and the *Compulsory Automobile Insurance Act*.
- c. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.
- d. If this by-law is contravened and a conviction entered, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

12. That By-law 2020-53 is hereby repealed.

By-law read a first, second, and third time, and passed on February 24, 2021.

Stéphane Sarrazin, Warden

Mélissa Cadieux, Clerk

Schedule A to By-law 2021-03

Part of Highways permitted to be traveled by Off-road vehicle

COUNTY ROAD NUMBER	TOWNSHIP	SIDE	BETWEEN:	AND:	DISTANCE
1	City of Clarence-Rockland	North and South	Pilon Road	2564 St-Pascal Road (Ronald Lalonde Community Hall)	0.4 km
2	City of Clarence-Rockland	North and South	457 Russell Road	Drouin Road	0.6 km
3	Russell Township	North and South	Seguin Street	Industriel Street	0.15 km
3	Nation Municipality	North and South	Du Théâtre Road	Lafontaine Road	0.9 km
3	Village of Casselman	East and West	Lafontaine Road	St-Isidore Street	2.3 km
5	Nation Municipality & Russell Township	East and West	Des Pins Street	Calypso Road	1.6 km
5	Nation Municipality & Russell Township	East and West	Route 800 W	570 meters North of Farley Rd (Marionville Rd extended)	1.0 km
7	Nation Municipality	North and South	Guérin Road	St-Paul Street	1.0 km
7	Village of Casselman	East and West	St-Isidore Street	Aurèle Road	1.6 km
8	Nation Municipality	East and West	Concession 17 Road	Route 300 E	0.6 km
8	Nation Municipality	East and West	County Road 16	County Road 19 (Robillard Rd)	2.4 km
9	Nation Municipality	East and West	Concession Road 19	100m South of County Road 3 (St-Isidore Rd)	1.6 km
9	Nation Municipality	East and West	Concession Road 19	Mainville Road	0.45 km
9	Alfred and Plantagenet	North and South	Pitch Off Road	150m South-West of County Road 17	0.5 km
10	East Hawkesbury	North and	Moore Road	County Road 14 (south)	2.3 km

		South			
10	Champlain Township	North and South	Hunter Road	Newton Road	6.1 km
11	Champlain Township	East and West	Pleasant Corner Road West	Pearl Road	0.35 km
11	Champlain Township	East and West	County Road 17	County Road 24 (King Street)	1.2 km
14	East Hawkesbury	East and West	County Road 10	Concession 6 Road	2.1 km
16	Nation Municipality	North and South	Concession Road 14	County Road 8	1.2 km
17	Alfred and Plantagenet	North and South	Route 21 Road	Principale Street	0.55 km
17	Champlain Township	North and South	County Road 11 (Longueuil Street)	Ste-Anne Road	1.3 km
19	Alfred and Plantagenet	East and West	Concession 6 Road	Concession 7 Road	1.5 km
19	Nation Municipality	East and West	County Road 8	Ettyville Road	1.8 km
19	Nation Municipality	East and West	Unponed road allowance between Lot 22 Concession 10 and Lot 22 Concession 11	Concession 10 Road	1.8 km
20	Champlain Township	East and West	Concession 1 Road	County Road 10	0.88 km
27	Nation Municipality	East and West	Route 900 East	Route 1000	1.5 km