

CORPORATION OF THE TOWNSHIP OF RUSSELL

By-law # 2016-074

Being a By-Law of the Township of Russell to Permit and
Regulate the Operation of Certain Off-Road Vehicles on
Certain Highways in the Township

Whereas section 11(3)(1) of the Municipal Act, 2001, S.O. 2001 Chapter 25, as amended, authorizes Council to pass by-laws respecting matters concerning highways, including parking and traffic on highways; and

Whereas section 11(2)(6) of the Municipal Act, 2001, S.O. 2001 Chapter 25, as amended, authorizes Council to pass by-laws concerning health, safety and well-being of persons; and

Whereas the *Highway Traffic Act*, R.S.O. 1990, Section 191.8 Chapter H.8, as amended, provides that the Council of a municipality may pass a by-law permitting the operation of certain 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 highway, within the limits provided for in the said Act and regulating the months or hours of operation; and

Whereas pursuant to O. Reg. 316/03, as amended, made under the *Highway Traffic Act*, a municipality may only authorize the operation of all-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles on municipal highways; and

Whereas the Council of the Township of Russell deems it in the public interest to permit and regulate the operation of all-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles upon certain of its highways; now therefore be it

RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF RUSSELL ENACTS AS FOLLOWS:

Interpretation

1. In this By-law:

"All-terrain Vehicle" means an off-road vehicle that:

- (a) has four wheels, the tires of all of which are 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 passenger that are separate from the foot rests for the driver.

"Corporation" means the Corporation of the Township of Russell.

"Council" means the Council of the Corporation.

"Executive Director of Infrastructure Services" means the Executive Director of Infrastructure Services of the Corporation of the Township of Russell or his representative.

"Highway" includes a common and public highway, street, road, 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.

"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.

"OFATV" means the Ontario Federation of All Terrain Vehicles.

"Off-road Vehicle" means an off-road vehicle within the meaning in the *Off-Road Vehicles Act*.

"Peace officer" means,

- (a) a Police Officer as defined in the Police Services Act, R.S.O. 1990, C.P.15, as amended;
- (b) Conservation Officer appointed to enforce the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c 41 as amended;
- (c) a Municipal Law Enforcement Officer appointed to enforce the By-laws of the Corporation.

"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.

"Township" means the Corporation of the Township of Russell.

- 2. (1) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (2) References to items in the plural include the singular, as applicable.
- (3) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them.
- (4) The obligations imposed by this By-law are in addition to obligation otherwise imposed by law or by contract.
- (5) Whenever certain hours are specified in this By-law or its Schedules, they shall mean "Standard Time" or "Daylight Saving Time", whichever is then in effect in the Township.

Severability / Conflict

3. (1) It is hereby declared that each and every of the foregoing provisions of this By-law is severable and that, if any provision of this By-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.
- (2) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other By-law of the Township.
- (3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the Township, or any Act or Regulation, relating to Off-road Vehicles the provision that is most restrictive shall prevail.

Right to Operate

- 4 (1) No person shall operate an off-road vehicle on any highway under the jurisdiction of the Township except as expressly provided for to the contrary in this By-law.
- (2) Despite Subsection 4(1), and subject to Subsection 4(3) and Subsection 4(4), a person may operate an off-road vehicle on those highways or part highways under this jurisdiction of the Township: identified in Schedule "A" to this By-law and shown on the sketch attached as Schedule "B" to this By-law
- (3) Off-road vehicle shall not be permitted to travel on any other unopened or opened road allowances under the Township of Russell 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.
- (4) Despite any section in this By-law, no person shall operate an off-road vehicle on a highway in contravention of O. Reg. 316/03, made under the *Highway Traffic Act* as amended or replaced from time to time.
- (5) No person shall operate an off-road vehicle on a highway without first being a member of a recognized ATV club membership.

Prohibited hours of use

5. Despite any section in this By-law, no person shall operate an off-road vehicle on a highway,
 - a) between the hours of 11:00 p.m. on any day and 6:00 a.m. of the next following day.
 - b) between the period of the 15th day of March to the 15th day of May of every year.

Liability Insurance

6. That the ATV Club of Eastern Ontario Inc., provides proof of liability insurance as specified by the Township, with the Township of Russell added as additional insured party on the certificate.

Responsibility for repairs

7. The ATV Club of Eastern Ontario Inc. shall assume responsibility for the costs or repairs to the shoulder or road allowance due to off-road vehicle use.

Closure for repairs

8. The Township of Russell 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 then, re-inspected and approved by the Director of Public Works or his representative.

Signage

9. ATV Club of Eastern Ontario Inc. shall be responsible for providing and installing all signs required along the trail and upon requests from adjacent property owners. The ATV Club of Eastern Ontario is to obtain the Director of Public Works' approval of signs and locations before installation of signage.

Failure to perform

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

General provisions

11. (a) The ATV Club of Eastern Ontario Inc. and OFATV shall take the necessary steps to insure 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 insure compliance and the Corporation retains the right to revoke the privileges of the ATV Club of Eastern Ontario Inc. and OFATV, should either organization 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.

Enforcement

12. (a) This By-law may be enforced by a Peace Officer, as described in Section 1.
- (b) 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.

Offences

13. (a) 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 in the *Provincial Offences Act*, R.S.O. and the *Compulsory Automobile Insurance Act*.
- (b) In addition to any penalty imposed and any other remedy, a court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:
- i) Prohibiting the continuation or repetition of the violation by the person convicted;
 - ii) Requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Short Title

14. This By-law shall be known and may be cited as the "Off-Road Vehicles By-law".

Schedules

15. The following Schedules are hereby incorporated into and form a part of this By-law:


Schedule "A" Highways on which an All-terrain Vehicle, a Multi-purpose Off-highway Utility Vehicle or a Recreational Off-highway Vehicle may be operated;

Schedule "B" Sketch showing Highways on which an All-terrain Vehicle, a Multi-purpose Off-Highway Utility Vehicle or a Recreational Off-highway Vehicle may be operated.

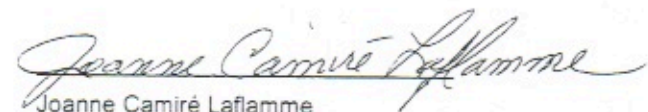
Effective

16. This By-law shall come into full force and effect fourteen days after the required approvals from the United Counties of Prescott and Russell are confirmed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
20TH DAY OF JUNE, 2016.



Pierre Leroux
Mayor



Joanne Camiré Laflamme
Clerk

SCHEDULE "A"

CORPORATION OF THE TOWNSHIP OF RUSSELL

BY-LAW 2016-074

DESIGNATED HIGHWAYS AS ORGANIZED ATV TRAILS

Column 1	Column 2
<u>Highway</u>	<u>Between</u>
1. St Edouard Road	Route 400 and Marionville Road
2. Marionville Road	St-Albert Road and St-Jacques Street
3. St-Jacques Street	Marionville Road and Route 500
4. Route 500	St-Jacques Street and Groves Road
5. Groves Road	Route 500 and Route 400
6. Route 400	Groves Road and Wade Road
7. Wade Road	Route 400 and Castor Street
8. St-Andre Road	Route 500 and Séguin Street
9. Séguin Street	St-André Road and Notre Dame Street
10. Industriel Street	Notre-Dame Street and Bay Street
11. Bay Street	Industriel Street and New York Central Avenue
12. New York Central Avenue	Bay Street to access property at 767 Notre Dame Street (Place d'Embrun)

SCHEDULE "B" to By-law 2016-074

