

THE CORPORATION OF THE TOWN OF HEARST

BY-LAW NO. 59-15

(as amended by By-law 80-15)

Being a by-law to permit and regulate
the operation of off-road vehicles on
municipal highways

WHEREAS Section 191 of the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, provides that the council of a municipality may pass by-laws permitting and regulating the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part of such highway, and

WHEREAS it is deemed advisable to permit and regulate the operation of certain off-road vehicles on certain municipal highways,

NOW THEREFORE, BE IT ENACTED by the Council of the Corporation of the Town of Hearst as follows:

1. Definitions:

For the purpose of this by-law:

- 1.1 "Municipality" in this by-law, a reference to the municipality is a reference to the geographical area, or to the municipal Corporation of the Town of Hearst, as the context requires.
- 1.2 "Off-Road Vehicle (ORV)" represents the set of off-road vehicles that meet specified off-highway industry standards to be used on the shoulder of permitted provincial highways and municipal roads, including :
 - a) "Single-rider all-terrain vehicle (ATV)" means a class of vehicle that:
 - (i) has four wheels, the tires of all of which are low pressure bearing and in contact with the ground;
 - (ii) has steering handlebars and a seat designed to be straddled by the driver;
 - (iii) is designed to carry a driver only and no passengers;
 - (iv) has a weight of 450 kilograms or less and an overall width not greater than 1.35 metres, excluding mirrors.
 - b) "Two-up all-terrain vehicle (ATV)" means a class of vehicle that:
 - (i) has four wheels, the tires of all of which are low pressure bearing and in contact with the ground;
 - (ii) has steering handlebars and a seat designed to be straddled by the driver;
 - (iii) is designed, and intended for use by an operator or an operator and a 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 passenger that are separate from the foot rests for the driver;
 - (iv) has a weight of 450 kilograms or less and an overall width not greater than 1.35 meters, excluding mirrors.
- c) "Multi-purpose off-highway utility vehicle", or a Utility terrain vehicle (UTV), means a class of 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,
 - (iv) has a minimum cargo capacity of 159 kilograms,
 - (v) has a weight of 1,814 kilograms or less and an overall width not greater than 2.03 meters, excluding mirrors.
- d) "Recreational Off-Highways Vehicles" (or Side-by-Side ATV), means a class of 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,
 - (iv) has an engine displacement equal to or less than 1,000 cub centimeters,
 - (v) has a weight of 1,700 kilograms or less,
 - (vi) has an overall width not greater than 2.03 meters, excluding mirrors.
- 1.3 "Regulation" means the regulations, laws and provisions established under the Ontario Regulation 316/03, Highway Traffic Act and Off-Road Vehicle Act of Ontario.
- 1.4 "Highway" includes a common and public highway, street, avenue, crescent, road, place, parkway, driveway, square, lane, 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.
- 1.5 "Sidewalk" means that portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.
- 1.6 "Operator or driver" means every person who drives an off-road vehicle upon a highway, trail or road.

2. Rules of Operation for Off-Road Vehicles

- 2.1 Off-road vehicles (ORV) may be driven on roads within the Town of Hearst municipal boundaries, except for the following:
- **George** Street, from 8th Street to 9th Street;
 - **Ninth** Street, from Front Street to Prince Street;
 - **Edward** Street, from Ninth Street to Fifteenth Street (during school hours only);
 - **Alexandra** Street, from Ninth Street to Tenth Street (during school hours only);
 - **Veilleux** Street, from Mailloux Street to Rouse Street (during school hours only).

Are exempt from this privilege:

- a) Amphibious off-road vehicles (such as the Argo),
 - b) Recreational off-highway vehicles and multi-purpose off-highway utility vehicles that may fall within a category of larger ORVs, which may have six to eight wheels and accommodate more than four passengers,
 - c) Off-road motorcycle (ORM).
- 2.2 No person shall operate an ORV:
- in municipal parks,
 - in municipal cemeteries,
 - on the municipal waste lagoon property,
 - on the Notre-Dame Hospital property,
 - on the Foyer des pionniers/Pioneer Nursing Home property
 - on school properties,
 - on the Collège Boréal property, and
 - on the Université de Hearst property.
- 2.3 No person shall operate an ORV on a trail that is designed and posted as a non-motorized trail, other than along a designated travel route to facilitate access to a traditional area or to cross a non-motorized trail at a right angle to access a shared-use trail upon which ORV use is permitted.
- 2.4 No person shall operate an ORV on a sidewalk or other area specifically designed for pedestrian and cycling traffic.
- 2.5 The speed limit shall not exceed 20 kilometers per hour on any road where the posted speed is 50 km/h and 50 kilometers per hour when the posted speed is more than 50 km/h.
- 2.6 No person shall operate an ORV in such a manner that causes or is likely to cause:
- a risk to the safety of any person,
 - harm or material discomfort to any person from dust, emissions or noise,
 - harm, injury or damage, either directly or indirectly, to any property, flora or fauna,
 - alteration, disruption or destruction to the natural environment, including erosion damage or degradation of the right of way.
- 2.7 No person shall operate an ORV on a designated snowmobile trail unless authorized specifically in writing.
- 2.8 An ORV operator shall operate an ORV in a single file only.

- 2.9 Despite any section in this By-law, no person shall operate an off-road vehicle on a highway in contravention to Ontario Regulation 316/03 of the Highway Traffic Act, R.S.O. 1990, c. H.8.
3. This By-law may be enforced by any By-law Enforcement Officer.
4. A person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c P.33.
5. THAT By-laws No. 39-04, 05-05 and 35-05 be hereby repealed.
6. THAT this by-law shall be in effect at the time of its adoption.

READ AND PASSED IN OPEN COUNCIL

THIS 28th DAY OF JULY 2015.

(signed Roger Sigouin)
MAYOR

(signed Janine Lecours)
CLERK