



THE CORPORATION OF THE TOWNSHIP OF  
ASHFIELD-COLBORNE-WAWANOSH

**BY-LAW NO. 54 – 2015**

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Being a by-law to regulate and control the movement of All-Terrain Vehicles (ATV's) on any highway's or road allowance's under the control of the Township of Ashfield-Colborne-Wawanosh

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**WHEREAS** section 11(1) of the Municipal Act, S.O. 2001, c.25, as amended, assigns spheres of jurisdiction and authorizes municipalities to pass by-laws respecting matters pertaining to highways in their jurisdiction;

**AND WHEREAS** the Highway Traffic Act, authorizes the Council of a municipality to 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 any part or parts of such highway;

**AND WHEREAS** Ontario Regulation 316/03 made under the Highway Traffic Act, defines an All-Terrain Vehicle and provides regulations governing the operation of All-Terrain Vehicles upon highways;

**NOW THEREFORE** the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh **ENACTS** as follows;

**DEFINITIONS**

- (1) All-Terrain Vehicle or "ATV" - means an off-road vehicle as described in the Highway Traffic Act, Ontario Regulation 316/03, which is attached hereto as Schedule "A".
- (2) Highway - includes any open road allowance under the jurisdiction of the Corporation of the Township of Ashfield-Colborne-Wawanosh including a common and public highway, street, avenue, laneway or bridge, and includes the part which is actually used by the general public for the passage of vehicles and all of the area between the lateral property lines thereof.
- (3) Off-Road Vehicle – means an off-road vehicle within the meaning of the Off-Road Vehicles Act.

**GENERAL PROVISIONS SECTION**

- (1) No driver of an ATV vehicle shall drive on a Municipal road without a helmet that has been approved as such.
- (2) No driver of an ATV vehicle shall operate such vehicle on any Municipal road without a valid G2/M2 or greater driver's license.
- (3) No driver of an ATV vehicle shall operate without valid insurance coverage on said vehicle on any Municipal road covered by this by-law.
- (4) No driver of an ATV vehicle shall operate on any Municipal road covered by this by-law without licensing such vehicle.

- (5) Driver must operate ATV in same direction as traffic.
- (6) All ATV's shall travel on shoulder of road, but may operate on road if shoulder is not safe.
- (7) No person shall interfere with an officer carrying out his/her duties enforcing this by-law.
- (8) Every person(s) who violates a provision of this by-law is guilty of an offence and on conviction is liable to the penalty as provided in section 61 of the Provincial Offences Act R.S.O. 1990 Chapter .33 as amended from time to time.
- (9) That By-Law 41-2004 passed on July 20, 2004 is hereby repealed and replaced.
- (10) This by-law shall come into force and effect upon its final passage.
- (11) This By-Law may be cited as the "All-Terrain Vehicle By-Law".

**Read a FIRST and SECOND time this 8<sup>th</sup> day of September 2015.**

**Read a THIRD TIME and FINALLY PASSED this 8<sup>th</sup> day of September 2015.**

*Bentley D. Diepenbeek*  
Reeve, Ben Van Diepenbeek      *M. Becker*  
Administrator/Clerk-Treasurer, Mark Becker

## - SCHEDULE A -

### **Highway Traffic Act Code de la route**

### **ONTARIO REGULATION 316/03**

#### **OPERATION OF OFF-ROAD VEHICLES ON HIGHWAYS**

Consolidation Period: From July 1, 2015 to the e-Laws currency date.

Last amendment: O. Reg. 135/15.

#### **PART I DEFINITIONS**

**Definitions** *for more off-road vehicle definitions see section 2 of the Off-Road Vehicles Act* *(O. Reg. 316/03)*

##### **1. In this Regulation,**

“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 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;

“off-road vehicle” has the same meaning as in the *Off-Road Vehicles Act*;

“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;

“seat belt assembly” means a device or assembly composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person. O. Reg. 316/03, s. 1; O. Reg. 135/15, s. 1.

#### **PART II OPERATION ON CLASSES OF HIGHWAYS**

##### **Operation on highways generally prohibited**

###### **2. An off-road vehicle shall not be driven on any highway except,**

- (a) as specified in this Part;
- (b) as permitted by Part IV; or
- (c) as permitted by clause 2 (2) (a) of the *Off-Road Vehicles Act*. O. Reg. 316/03, s. 2.

#### **Prohibited highways**

3. Except as permitted by section 28, no off-road vehicle shall be driven on a highway listed in Schedule A. O. Reg. 316/03, s. 3.

#### **Permitted provincial highways for certain off-road vehicles**

4. (1) Subject to subsection (2), no off-road vehicle shall be driven on a highway listed in Schedule B. O. Reg. 135/15, s. 2.

(2) 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.

#### **Permitted municipal highways for certain off-road vehicles**

4.1 (1) Subject to subsection (2), an off-road vehicle may be driven on a highway or part of a highway in a municipality if,

- (a) a by-law made by the municipality under subsection 191.8 (3) of the Act permits the operation of the off-road vehicle on the highway or part of the highway;
  - (b) the off-road vehicle is driven only during the months or hours specified in the by-law, in the case where the by-law limits the operation of the off-road vehicle on the highway or part of the highway within the municipality to certain months or hours; and
  - (c) the requirements of Part III are met. O. Reg. 135/15, s. 2.
- (2) Subsection (1) does not apply to an off-road vehicle other than,
- (a) an all-terrain vehicle;
  - (b) a multi-purpose off-highway utility vehicle; and
  - (c) a recreational off-highway vehicle. O. Reg. 135/15, s. 2.

#### **Highways on Crown lands or within provincial parks or conservation reserves**

5. An off-road vehicle may be driven on a highway or part of a highway that is on Crown land administered under the *Public Lands Act* or that is within a provincial park or conservation reserve within the meaning of the *Provincial Parks and Conservation Reserves Act, 2006*, unless the operation of the off-road vehicle on the highway or part of the highway is prohibited by the road authority or is otherwise prohibited by law. O. Reg. 135/15, s. 2.

### **PART III REGULATION OF OFF-ROAD VEHICLES ON HIGHWAYS**

#### **Conditions for off-road vehicles to be operated on highways**

6. An off-road vehicle shall not be operated on a highway unless it meets the requirements of sections 7 to 15 and it is operated in accordance with sections 16 to 24. O. Reg. 316/03, s. 6.

#### **EQUIPMENT REQUIREMENTS**

##### **Weight and width of multi-purpose off-highway utility vehicles , etc.**

7. (1) If the off-road vehicle is a multi-purpose off-highway utility vehicle, it must,
- (a) weigh 1,814 kilograms or less; and
  - (b) have an overall width not greater than 2.03 metres, excluding mirrors. O. Reg. 135/15, s. 3.
- (2) If the off-road vehicle is a recreational off-highway vehicle, it must,
- (a) weigh 1,700 kilograms or less; and
  - (b) have an overall width not greater than 2.03 metres, excluding mirrors. O. Reg. 135/15, s. 3.

##### **Weight of all-terrain vehicles**

7.1 (1) If the off-road vehicle is an all-terrain vehicle that was manufactured after December 31, 2001, the weight carried on the all-terrain vehicle must not exceed the maximum weight capacity as shown on the overloading warning label affixed by the manufacturer. O. Reg. 135/15, s. 3.

(2) For the purposes of subsection (1), the weight carried on the all-terrain vehicle includes the weight of the driver, any passenger, the cargo and accessories, and the trailer tongue weight, if any, but does not include the vehicle curb weight. O. Reg. 135/15, s. 3.

#### **Tires**

8. All the tires on the off-road vehicle must be inflated to the manufacturer's recommended settings for normal operation. O. Reg. 135/15, s. 3.

#### **Motor vehicle safety standards**

9. If the off-road vehicle is an all-terrain vehicle, it must meet the motor vehicle safety standards prescribed for restricted-use motorcycles in the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act (Canada)* applicable when the vehicle was manufactured. O. Reg. 135/15, s. 3.

#### **Equipment configuration and performance requirements**

10. If the off-road vehicle was manufactured after December 31, 2001, it must meet the equipment configuration and performance requirements set out in at least one of the following standards that are applicable to that class of off-road vehicle:

1. ANSI/SVIA-1-2001, entitled *American National Standard for Four Wheel All-Terrain Vehicles — Equipment, Configuration, and Performance Requirements*, approved by the American National Standards Institute, Inc. on February 15, 2001 and published by the Specialty Vehicle Institute of America.
2. ANSI/SVIA 1-2007, entitled *American National Standard for Four Wheel All-Terrain Vehicles*, approved by the American National Standards Institute, Inc. on July 23, 2007 and published by the Specialty Vehicle Institute of America.
3. ANSI/SVIA 1-2010, entitled *American National Standard for Four Wheel All-Terrain Vehicles*, approved by the American National Standards Institute, Inc. on December 23, 2010 and published by the Specialty Vehicle Institute of America.
4. ANSI/ROHVA 1-2011, entitled *American National Standard for Recreational Off-Highway Vehicles*, approved by the American National Standards Institute, Inc. on July 11, 2011 and published by the Recreational Off-Highway Vehicle Association.
5. COHV 1-2012, entitled *Canadian Off-Highway Vehicle Distributors Council Standard for Four Wheel All-Terrain Vehicles*, approved on September 26, 2012 and published by the Canadian Off-Highway Vehicle Distributors Council.
6. COHV 2-2012, entitled *Canadian Off-Highway Vehicle Distributors Council Standard for Recreational Off-Highway Vehicles*, approved on September 26, 2012 and published by the Canadian Off-Highway Vehicle Distributors Council.
7. ANSI/OPEI B71.9-2012, entitled *American National Standard for Multipurpose Off-Highway Utility Vehicles*, approved by the American National Standards Institute, Inc. on March 6, 2012 and published by the American National Standards Institute, Inc.
8. COHV 3-2013, entitled *Canadian Off-Highway Vehicle Distributors Council Standard for Multipurpose Off-Highway Utility Vehicles*, approved on April 3, 2013 and published by the Canadian Off-Highway Vehicle Distributors Council.
9. ANSI/ROHVA 1-2014, entitled *American National Standard for Recreational Off-Highway Vehicles*, approved by the American National Standards Institute, Inc. on September 24, 2014 and published by the Recreational Off-Highway Vehicle Association. O. Reg. 135/15, s. 3.

#### **Safety equipment for multi-purpose off-highway utility vehicles and recreational off-highway vehicles**

10.1 (1) If the off-road vehicle is a multi-purpose off-highway utility vehicle, it must be equipped with an occupant protective structure and comply with subsection (3). O. Reg. 135/15, s. 3.

(2) If the off-road vehicle is a recreational off-highway vehicle, it must be equipped with a roll-over protective structure and comply with subsection (3). O. Reg. 135/15, s. 3.

- (3) A multi-purpose off-highway utility vehicle or a recreational off-highway vehicle must be equipped,
- (a) with a handle or device that may be grasped by an occupant to provide support and to assist the occupant in keeping his or her arms and hands within the vehicle;
  - (b) for each seating position, with a seat belt assembly that is in good working order and that includes a strap or straps sufficient to restrain both the pelvis and the torso; and
  - (c) with a rear view mirror. O. Reg. 135/15, s. 3.

#### **Equipment installed at time of manufacture and manufacturer's label**

11. (1) A component, equipment or other feature of the off-road vehicle that was part of the vehicle when manufactured and that is required by section 9, 10 or 10.1 must operate properly and must not be missing, partly or wholly inoperable or modified so as to reduce its effectiveness. O. Reg. 135/15, s. 3.

(2) A component, equipment or other feature of the off-road vehicle that is specified in the definition of "all-terrain vehicle", "multi-purpose off-highway utility vehicle" or "recreational off-highway vehicle" in section 1 or that is required by section 9, 10 or 10.1 must have been installed at the time the vehicle was manufactured. O. Reg. 135/15, s. 3.

(3) If the off-road vehicle was manufactured after December 31, 2001, it must display in plain view the label that was affixed to the vehicle at the time of its manufacture to show the manufacturer's certification of the standard or standards listed in section 10 to which the vehicle conforms. O. Reg. 135/15, s. 3.

(4) If the off-road vehicle is an all-terrain vehicle manufactured after December 31, 2001, it must display in plain view the overloading warning label that was affixed to the vehicle at the time of its manufacture to show the maximum weight capacity. O. Reg. 135/15, s. 3.

#### Braking system

12. (1) The off-road vehicle must be equipped with service brakes that comply with the requirements set out in at least one of the standards listed in section 10 that are applicable to that class of off-road vehicle. O. Reg. 135/15, s. 3.

(2) The off-road vehicle must be equipped with a parking brake or parking mechanism that complies with the requirements set out in at least one of the standards listed in section 10 that are applicable to that class of off-road vehicle. O. Reg. 135/15, s. 3.

#### Lamps

13. (1) Despite subsection 62 (1) of the Act, the off-road vehicle must be equipped with one or two lamps that emit a white light on the front of the vehicle and one or two lamps that emit a red light at the rear of the vehicle. O. Reg. 316/03, s. 13 (1).

(2) The lamps required by subsection (1) must be lit at all times the off-road vehicle is operated on the highway. O. Reg. 316/03, s. 13 (2).

(3) The subsections of section 62 of the Act that refer to lamps required under subsections (1), (2) or (3) of that section shall be read as if referring to the lamps required under subsection (1) of this section. O. Reg. 316/03, s. 13 (3).

(4) The lamps required on the front of an off-road vehicle by subsection (1) must be aimed such that the high intensity portion of the beam is directed below the horizontal line through the centre of the lamp from which it comes, at a distance of 7.6 metres ahead of the lamp, when the vehicle is not loaded. O. Reg. 316/03, s. 13 (4).

(5) If the off-road vehicle was manufactured after January 1, 1998, it must be equipped with a stop lamp or lamps on the rear of the vehicle that emit a red light when any service brake is applied. O. Reg. 316/03, s. 13 (5); O. Reg. 135/15, s. 4 (1).

(6) A stop lamp required under subsection (5) may be incorporated with a rear lamp or may be a separate lamp. O. Reg. 316/03, s. 13 (6).

(7) The off-road vehicle must be equipped with,

- (a) one yellow reflex reflector on each side at the front;
- (b) one red reflex reflector on each side at the rear; and
- (c) one or more red reflex reflectors on the rear. O. Reg. 316/03, s. 13 (7); O. Reg. 135/15, s. 4 (2).

(8) The reflex reflectors required by subsection (7) must comply with the requirements of the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada) if those requirements were applicable to the vehicle when the vehicle was manufactured. O. Reg. 135/15, s. 4 (3).

#### Windshield

14. The off-road vehicle need not be equipped with a windshield, but if it is, the windshield must satisfy the requirements prescribed for a motorcycle windshield under subsection 1 (10) of Schedule 6 to Regulation 611 of the Revised Regulations of Ontario, 1990. O. Reg. 316/03, s. 14.

#### No obstruction of view

15. (1) There must not be any object or non-transparent material placed on or attached to the off-road vehicle that obstructs the driver's view of traffic approaching from any direction at an intersection, or of traffic approaching from the rear of the vehicle. O. Reg. 316/03, s. 15 (1).

(2) If the off-road vehicle is towing a trailer, the trailer or load must not obstruct the driver's view of traffic approaching from any direction at an intersection, or of traffic approaching from the rear of the vehicle. O. Reg. 316/03, s. 15 (2).

## OPERATION REQUIREMENTS

#### Permit

16. (1) The off-road vehicle shall not be operated on a highway unless a permit under section 5 of the *Off-Road Vehicles Act* has been issued in respect of that vehicle and a number plate showing the number of the permit is displayed on the vehicle as required under that Act. O. Reg. 135/15, s. 5.

(2) Subsection (1) does not apply to an off-road vehicle operated under the authority of a permit issued under section 7 of the *Highway Traffic Act*, as provided by section 7 of the *Off-Road Vehicles Act*. O. Reg. 316/03, s. 16 (2).

#### **Insurance**

17. The off-road vehicle shall be insured in accordance with section 2 of the *Compulsory Automobile Insurance Act* and section 15 of the *Off-Road Vehicles Act*. O. Reg. 316/03, s. 17.

#### **Driver's licence conditions**

18. (1) The driver of the off-road vehicle shall hold a valid Class A, B, C, D, E, F, G, G2, M or M2 driver's licence issued under the Act unless he or she is exempt, under section 34 of the Act, from the application of section 32 of the Act. O. Reg. 135/15, s. 6.

(2) If the driver of the off-road vehicle holds a Class G2 or Class M2 driver's licence and is under the age of 20, there must not be, between the hours of midnight and 5 a.m., more than one passenger on the off-road vehicle who is under the age of 20, other than a person who is a member of the novice driver's immediate family, as defined in subsection 6 (6) of Ontario Regulation 340/94 (Drivers' Licences) made under the Act. O. Reg. 135/15, s. 6.

(3) Despite subsection (2), if the holder of the Class G2 or Class M2 driver's licence has held a valid driver's licence of that class for the immediately preceding six months or longer, the maximum number of passengers under the age of 20 allowed is three. O. Reg. 135/15, s. 6.

(4) The age distinctions in this section apply despite the *Human Rights Code*. O. Reg. 135/15, s. 6.

(5) Subsections (2) and (3) are subject to the requirements with respect to passengers set out in sections 19.1, 19.2 and 19.3. O. Reg. 135/15, s. 6.

#### **Helmet**

19. (1) The driver of the off-road vehicle and every passenger on the vehicle shall wear a helmet that complies with section 19 of the *Off-Road Vehicles Act*. O. Reg. 135/15, s. 6.

(2) No person shall drive an off-road vehicle on a highway with a passenger on the vehicle unless the passenger is wearing a helmet as required by subsection (1). O. Reg. 135/15, s. 6.

#### **Seat belts on multi-purpose off-highway utility vehicles or recreational off-highway vehicles**

19.1 (1) Every passenger on a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle on a highway shall,

(a) occupy a seating position for which a seat belt assembly has been provided; and

(b) wear the complete seat belt assembly as required by subsection (4). O. Reg. 135/15, s. 6.

(2) No person shall drive a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle on a highway unless he or she is wearing a complete seat belt assembly as required by subsection (4). O. Reg. 135/15, s. 6.

(3) No person shall drive a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle on a highway with a passenger on the vehicle, unless the passenger is,

(a) occupying a seating position for which a seat belt assembly has been provided; and

(b) wearing the complete seat belt assembly as required by subsection (4). O. Reg. 135/15, s. 6.

(4) A seat belt assembly shall be worn so that,

(a) the strap of each restraint is securely fastened and worn firmly against the body in the intended position; and

(b) no more than one person is wearing any strap of the seat belt assembly at any one time. O. Reg. 135/15, s. 6.

#### **Passengers on all-terrain vehicles**

19.2 No person shall drive an all-terrain vehicle on a highway with a passenger on the vehicle unless,

(a) the vehicle is designed to carry both a driver and a passenger; and

(b) the passenger is straddling the passenger seat behind the driver while facing forward with his or her feet securely on the separate foot rests intended for the passenger. O. Reg. 135/15, s. 6.

#### **No passengers under the age of eight**

19.3 No person shall drive an off-road vehicle on a highway with a passenger on the vehicle who is under the age of eight. O. Reg. 135/15, s. 6.

#### **No riding on a trailer**

19.4 No person shall drive an off-road vehicle on a highway while it is towing a trailer or any other attachment if there is a passenger on the trailer or other attachment. O. Reg. 135/15, s. 6.

#### **Application of Highway Traffic Act**

**20.** (1) Except as otherwise provided in this Regulation, the provisions of the Act and its regulations applicable to motor vehicles apply with necessary modifications to the operation of an off-road vehicle on a highway. O. Reg. 316/03, s. 20 (1).

(2) Subsection 62 (19), sections 64 and 66 and subsection 76 (1) of the Act do not apply to the operation of an off-road vehicle on a highway. O. Reg. 316/03, s. 20 (2).

**Application of Off-Road Vehicles Act**

**21.** The *Off-Road Vehicles Act* and the regulations made under that Act that apply to the operation of off-road vehicles off the highway apply with necessary modifications to the operation of an off-road vehicle on a highway. O. Reg. 316/03, s. 21.

**Maximum speed**

**22.** The off-road vehicle shall not be driven at a rate of speed greater than,

- (a) 20 kilometres per hour, if the speed limit established under the Act for that part of the highway is not greater than 50 kilometres per hour; or
- (b) 50 kilometres per hour, if the speed limit established under the Act for that part of the highway is greater than 50 kilometres per hour. O. Reg. 316/03, s. 22.

**Environmental protection**

**23.** (1) The off-road vehicle shall not be operated in such a manner as to,

- (a) discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment that may have an adverse effect on the environment or impair the quality of any waters; or
- (b) contravene any conditions, restrictions and prohibitions imposed by any legislation and related regulations enacted to protect the environment. O. Reg. 316/03, s. 23 (1).

(2) The off-road vehicle shall not be operated in such a manner that it causes or is likely to cause,

- (a) a risk to the safety of any person;
- (b) harm or material discomfort to any person from dust, emissions or noise;
- (c) harm, injury or damage, either directly or indirectly, to any property, flora or fauna; or
- (d) alteration, disruption or destruction to the natural environment, including erosion damage or degradation of the right of way. O. Reg. 316/03, s. 23 (2).

(3) The off-road vehicle shall not be driven in or through a river, stream or other watercourse on a highway if doing so would or would be likely to alter, disrupt or destroy any fish habitat. O. Reg. 316/03, s. 23 (3).

**Rules of the road**

**24.** (1) The off-road vehicle shall be driven on the shoulder of the highway in the same direction as the traffic using the same side of the highway. O. Reg. 316/03, s. 24 (1).

(2) Despite subsection (1), the off-road vehicle may be driven on the roadway in the same direction as the traffic using the same side of the highway if,

- (a) there is no shoulder;
- (b) the shoulder of the highway is obstructed and cannot be used by the off-road vehicle; or
- (c) the shoulder is not wide enough to allow the off-road vehicle to be driven with all of its tires remaining completely off of the roadway. O. Reg. 316/03, s. 24 (2); O. Reg. 135/15, s. 7 (1).

(3) Despite subsection (1), the off-road vehicle shall not be driven on the shoulder but shall be driven on the roadway in the same direction as the traffic using the same side of the highway if it is being driven across a level railway crossing. O. Reg. 316/03, s. 24 (3).

(4) When driven on the shoulder of the highway, the off-road vehicle shall be driven as close to and parallel with the right edge of the shoulder as can be done practicably and safely. O. Reg. 316/03, s. 24 (4).

(5) When driven on the roadway pursuant to subsection (2), the off-road vehicle shall be driven as close to and parallel with the right edge of the roadway as can be done practicably and safely. O. Reg. 316/03, s. 24 (5).

(6) When entering the shoulder or the roadway, the off-road vehicle shall yield the right of way to vehicles already using the shoulder or the roadway, as the case may be, and shall enter the shoulder or roadway only when it is safe to do so. O. Reg. 316/03, s. 24 (6).

(7) The off-road vehicle shall not be driven in the median strip of the highway. O. Reg. 316/03, s. 24 (7).

(8) The off-road vehicle shall not be driven on any part of the highway that is designated as a construction zone under subsection 128 (8) of the Act or on any other part of the highway where construction work or highway maintenance is being

carried out, unless the off-road vehicle is operating as a vehicle described in subsection 128 (13) of the Act or as a road service vehicle. O. Reg. 316/03, s. 24 (8).

(9) If part or all of the highway is closed under subsection 134 (2) of the Act, the off-road vehicle shall not be driven on any adjacent part of the highway that may be open, unless the off-road vehicle is operating as a vehicle described in subsection 128 (13) of the Act or as a road service vehicle. O. Reg. 316/03, s. 24 (9).

(10) The off-road vehicle shall not overtake and pass any moving motor vehicle or motorized snow vehicle at any time when both the off-road vehicle and the other vehicle are travelling on the same shoulder or roadway of the highway. O. Reg. 316/03, s. 24 (10).

(11) Despite subsection (10), an off-road vehicle may overtake and pass another off-road vehicle when both are travelling on the shoulder if the movement can be made in safety while remaining on the shoulder and to the left of the off-road vehicle being overtaken and passed. O. Reg. 316/03, s. 24 (11).

(12) If the off-road vehicle is an all-terrain vehicle, the person driving the all-terrain vehicle on the highway may, despite clause 142 (4) (b) of the Act, indicate the intention to turn right by extending the right hand and arm horizontally beyond the right side of the vehicle. O. Reg. 135/15, s. 7 (2).

(13) Before commencing a left turn in the manner required by subsection 141 (5), (6) or (7) of the Act, the off-road vehicle shall, without interfering with the movement of traffic travelling in the same direction as the off-road vehicle, move away from the shoulder or from the right edge of the roadway, as the case may be, and be positioned on the roadway in the position from which the left turn is to be made. O. Reg. 316/03, s. 24 (13).

(14) Upon completing a left turn, the off-road vehicle shall, without interfering with the movement of traffic travelling in the same direction as the off-road vehicle, move back to the right edge of the roadway or shoulder, as the case may be. O. Reg. 316/03, s. 24 (14).

#### PART IV EXEMPTIONS

##### Definitions

25. In this Part,

“emergency” means a situation that constitutes a danger to life or property;

“employee” means,

- (a) a person employed in the service of the Crown or any agency of the Crown,
- (b) a police officer, conservation officer or other person appointed for the preservation and maintenance of the public peace or any officer appointed for enforcing or carrying out the provisions of this Act or the *Off-Road Vehicles Act*,
- (c) a firefighter as defined in the *Fire Protection and Prevention Act, 1997*,
- (d) an employee of an ambulance service as defined in the *Ambulance Act*,
- (e) an employee of a municipality or of a local board as defined in the *Municipal Affairs Act*,
- (f) an employee of a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, or
- (g) an employee or agent of the operator of a water, gas, electric heat, light or power works, telegraph and telephone lines, a railway, a street railway, works for the transmission of gas, oil, water or electrical power or energy or any similar works supplying the general public with necessities or conveniences. O. Reg. 316/03, s. 25.

##### Crossing a highway

26. Part III of this Regulation does not apply to a person who drives an off-road vehicle directly across a highway pursuant to clause 2 (2) (a) of the *Off-Road Vehicles Act*. O. Reg. 316/03, s. 26.

##### Farmers and trappers

27. (1) Sections 7, 8, 9, 10, 10.1, 11 and 18 do not apply to the operation of an off-road vehicle as described in clause 2 (2) (b) of the *Off-Road Vehicles Act* if,

- (a) the driver of the vehicle holds a valid driver’s licence; and
- (b) the number of passengers on the off-road vehicle does not exceed the number of seating positions that were installed at the time the vehicle was manufactured. O. Reg. 135/15, s. 8 (1).

(2) Despite sections 4 and 4.1, an off-road vehicle may be operated as described in clause 2 (2) (b) of the *Off-Road Vehicles Act* on any highway other than a highway listed in Schedule A if the conditions described in clauses (1) (a) and (b) are met. O. Reg. 316/03, s. 27 (2); O. Reg. 135/15, s. 8 (2).

**Public work functions**

**28.** (1) An employee who is acting in the course of his or her employment or in response to an emergency may operate an off-road vehicle on a highway, including a highway listed in Schedule A or B, in accordance with this Regulation despite any provision that would provide otherwise in Parts II, IV and VI of the Act. O. Reg. 316/03, s. 28 (1).

(2) Sections 7, 8, 9, 10, 10.1, 11 and 18 do not apply to the operation of an off-road vehicle on a highway by an employee who is driving the off-road vehicle in the course of his or her employment or in response to an emergency if,

(a) the employee holds a valid driver's licence; and

(b) the number of passengers on the off-road vehicle does not exceed the number of seating positions that were installed at the time the vehicle was manufactured. O. Reg. 135/15, s. 9 (1).

(3) Sections 4 and 4.1 do not apply to the operation of an off-road vehicle permitted under subsection (1). O. Reg. 316/03, s. 28 (3); O. Reg. 135/15, s. 9 (2).

(4) Despite section 24, an employee who is permitted under subsections (1) and (2) to operate an off-road vehicle on a highway listed in Schedule A may only drive the off-road vehicle on a part of the highway that is not the roadway or the shoulder. O. Reg. 316/03, s. 28 (4).

**Far northern Ontario and unorganized territory**

**29.** (1) A person may operate an off-road vehicle on a highway in an area of the province described in Schedule C in accordance with this Regulation despite any provision that would provide otherwise in Parts II, IV and VI of the Act. O. Reg. 316/03, s. 29 (1).

(2) Sections 9, 10, 10.1, 11, 16 and 18 do not apply to the operation of an off-road vehicle on a highway in an area of the province described in Schedule C if,

(a) the driver of the off-road vehicle is at least 16 years old;

(b) the driver of the off-road vehicle holds a valid driver's licence or motorized snow vehicle operator's licence; and

(c) the number of passengers on the off-road vehicle does not exceed the number of seating positions that were installed at the time vehicle was manufactured. O. Reg. 135/15, s. 10 (1).

(3) Despite sections 4 and 4.1, an off-road vehicle may be operated on any highway other than a highway listed in Schedule A in an area of the province described in Schedule C if the conditions described in clauses (2) (a), (b) and (c) are met. O. Reg. 316/03, s. 29 (3); O. Reg. 135/15, s. 10 (2).

(4) This section does not apply with respect to a highway or part of a highway that is under the jurisdiction of a municipality if the municipality has by by-law prohibited the operation of the off-road vehicle on the highway or part of the highway. O. Reg. 135/15, s. 10 (3).

(5) This section does not apply with respect to a highway or part of a highway that is described in section 5 if the operation of the off-road vehicle is prohibited on the highway or part of the highway. O. Reg. 135/15, s. 10 (3).

**30. OMITTED (REVOKE OTHER REGULATIONS).** O. Reg. 316/03, s. 30.

**31. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).** O. Reg. 316/03, s. 31.

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