

**THE CORPORATION OF THE
TOWNSHIP OF MATTICE-VAL CÔTÉ**

By-Law no. 745

Being a By-Law respecting Off-Road Vehicles

Preamble: The scope and intent of this by-law is to regulate and govern the operation of Off Road Vehicles on municipal roads within the geographic boundaries of the Corporation of the Township of Mattice-Val Côté. It is designed to complement existing legislation and is focused on safety, connectivity, accessibility, environmental responsibility and the sustainability of our vast network of rural roads and recreational trails. This by-law respects the rights of traditional users, private landowners, resource based industries and those with occupier status. Where appropriate, adequate provisions and/or exemptions have been incorporated to protect and accommodate rights of traditional users.

WHEREAS this by-law is written under the authority and pursuant to the spheres of jurisdiction applicable to the municipality under the *Municipal Act, 2001*, S.O. 2001, c.25, s.11(1).

NOW THEREFORE, BE IT ENACTED by the Council of the Corporation of the Township of Mattice-Val Côté, hereinafter called the "Municipality", as follows:

1. DEFINITIONS

For the purpose of this by-law:

"All Terrain Vehicle" (ATV) 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.

"Competent Authority" means members of the Mattice Sno Devils or Northern Corridor du Nord who, for the purpose of this by-law, are authorized to issue a Trail Pass;

"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;

"Immediate Family member" means a person's spouse, sibling, father, mother, grandfather, grandmother, son, daughter, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law or mother-in-law;

"Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, the area of the lateral boundary lines of two or more roadways which join one another at an angle, whether or not one crosses the other;

"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.

"Municipality" refers to the geographical area, or to the municipal Corporation of the Township of Mattice-Val Côté, as the context requires;

"Non-motorized" means a class of recreational users that does not use motorized implements as a means of pursuing their recreational interest and includes all means of foot travel, the use of recreational implements driven by muscular power or wind power and, for the purpose of this by-law, includes motorized implements specifically designed for use by physically challenged persons to provide or assist with mobility;

"Occupier" includes a person who is in physical possession of land or a person who has responsibility for and control over the condition of lands or the activities therein carried on, or control over persons allowed to enter the land, notwithstanding that there may be more than one occupier of the same land;

"Off-Road Vehicle" means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,

(a) on not more than three wheels, or

(b) on more than three wheels and being a class of vehicle prescribed by regulations.

Note 1: In this by-law, off-road vehicles **include** ATV's, UTV'S, multi-purpose off-highway utility vehicles and recreational off-highway vehicles.

"Operator or driver" means every person who drives an off-road vehicle upon a highway, trail or route;

"Park or Parking" means the standing of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in the loading or unloading of passengers or goods, or where necessary, to avoid conflict with a pedestrian or other traffic or to comply with the direction of a police officer, traffic control signal or sign;

"Peace Officer" means a constable, special constable, peace officer of the Ontario Provincial Police, by-law enforcement officer, conservation officer or any other person appointed for the enforcement or carrying out the provisions of this by-law;

"Pedestrian" means a person afoot, children in wheeled carriages' and physically challenged persons operating implements specifically designed to provide or assist with mobility;

"Private Road or Driveway" means every way or place in private ownership and used for vehicular traffic by the owner and those having expressed or implied permission given from the owner or his duly authorized agent, but not by other persons;

"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 centimeters.

"Regulation" means the regulations, laws and provisions established under the *Highway Traffic Act*, including Regulation 316-03 and the *Off-Road Vehicles Act* of Ontario;

"Route" is a designated travel corridor intended for use by off-road vehicles to facilitate access to and from a trail system via the most direct and safest means; from a residential area, business sector, accommodations facility, staging area or to connect two sections of trail and includes passage on highways where permitted, within the municipality;

"Same-sex Partner" and "spouse" have the same meanings as in Part III of the *Family Law Act*. O.Reg. 185/01,s.1(2);

"Shared-Use Trail" is a recreational corridor with multiple applications, used by resourced based industries, traditional users, as defined and under the conditions set out in *Schedule A* of this by-law, Off-Road Vehicles and non-motorized user groups notwithstanding. Some sections of shared-use trails may from time to time be posted closed or restricted to a particular class of user group for safety reasons and/or natural resource extraction;

"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;

"Single-Use Trail" is a recreational corridor, maintained, signed and managed for a particular class of user. Depending on the design and intended use(s) of the recreational trail, the restriction could exclude off-road vehicles or non-motorized user groups;

"Stop or stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal;

"Traditional Access Route" refers to trails or sections of trails that have a history of, or have been traditionally used by non-recreational trail users, as outlined in the provisions of *Schedule "A"* of this by-law, as a route of passage to facilitate their interest(s) or to provide access to an area where the non-recreational trail user has occupier's status;

"Trail" means a designated recreational corridor having a "shared-use" or "single use" application with an identified tourism value that is signed, maintained and promoted for recreational purposes and generally includes the right-of-way from tree line to tree line. Where no tree line exists, it is defined by the recognizable trail path to include a one (1) meter allowance on either side of the trail path;

"Trail Pass" means documented authorization in the form of an official certificate *"trail pass"* or proof of membership to a recognized recreational club, issued by a competent authority within the meaning of this by-law;

"Utility task vehicle" (UTV) means an off-road vehicle that is designed for utility applications or uses on all terrains, has four or more wheels, has a seat that is not straddled by the driver and is designed to carry a driver and one or more passengers.

2. RULES OF OPERATION FOR OFF-ROAD VEHICLES

- 2.1 No person shall operate an off-road vehicle upon a route other than to access a trail via the most direct and safest means.
- 2.2 No person shall operate an off-road vehicle upon a trail in a manner that is careless having due care and consideration for other trail users as well as their own personal safety.
- 2.3 No person shall operate an off-road vehicle upon 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 off-road vehicle use is permitted.

Note 2: Section 2.3 does not apply to a class of persons identified in sections (1) (4) and (12) of *Schedule "A"* of this by-law.

- 2.4 Where permitted under this by-law to operate an off-road vehicle upon a highway under the jurisdiction of the Municipality, the operator shall do so in accordance with *Ontario Regulation 316-03, Highway Traffic Act*.
- 2.5 The operator of an off-road vehicle shall obey the directions of a Peace Officer and

shall stop when requested and produce such documentation necessary to establish the identity of the operator to ensure compliance with the regulations.

- 2.6 No person shall operate an off-road vehicle upon a sidewalk or other area specifically designed for pedestrian traffic.
- 2.7 While operating an off-road vehicle upon a trail or route, the head-lamp and tail-lamp required by regulation for the operation of an off-road vehicle upon a highway, shall be lit at all times.
- 2.8 No person shall operate an off-road vehicle upon a highway or route situated in a residential area, between the hours 11:00 p.m. and 6:00 a.m. of the following day.
- 2.9 No person shall operate an off-road vehicle upon municipal or institutional properties as described in Schedule “ B ”.

Note 3: Sections 2.8 and 2.9 do not apply to a class of persons identified in section (1) of *Schedule "A"* of this by-law.

- 2.10 No person shall operate an off-road vehicle upon a highway or route situated in a residential area in a manner which causes unnecessary noise.
- 2.11 No person shall operate an off-road vehicle upon a designated snowmobile trail during the period of winter months when snow grooming is likely to occur.

3. SPEED RATES

- 3.1 No person shall operate an off-road vehicle upon a trail at a speed greater than that which is posted;
- (a) If no speed is posted, no person shall operate an off-road vehicle at a speed greater than 20 kms per hour in all built-up areas, and no greater than 50 kilometers elsewhere;
- (b) Notwithstanding sections 3.1 and 3.1 (a), no person shall operate an off-road vehicle upon a trail at a speed that is unsafe, taking into consideration the terrain and the condition of the trail.

4. SIGNAGE, TRAIL/ROUTE MARKERS AND BARRIERS

- 4.1 The operator of an off-road vehicle shall obey all trail signs and route markers.
- 4.2 No person shall damage, deface, alter or remove any trail sign or route marker;
- 4.3 No person shall erect a sign or marker upon a trail or route without the prior approval of the municipality.

Note 4: Section 4.3 of this by-law does not apply to a person having occupier's status over a parcel of land upon which a trail is situated or traverses, or to a class of persons identified in sections (1) and (4) of *Schedule "A"* of this by-law.

Note 5: Section 4.3 of this by-law does not apply to members of the Sno Devils Snowmobile Club while erecting signs pursuant to or consistent with the guidelines and/or policy directives of the Ontario Federation of Snowmobile Clubs (OFSC).

5. ENVIRONMENTAL PROTECTION

- 5.1 No person shall 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.
- 5.2 No person shall drive or stop an off-road vehicle off a trail, route or highway in such a manner that it causes or is likely to harm or damage, either directly or indirectly, any property, flora or fauna.
- 5.3 No person shall operate an off-road vehicle in or through a river, stream, lake or other watercourse if doing so would, or would likely, alter, disrupt damage or destroy fish habitat.

(a) Notwithstanding section 5.3, the operator of an off-road vehicle may cross a stream that intersects a trail provided that the operator slows to a walking pace when entering or exiting the stream and crosses the stream at right angle; or

(b) Where the operator of an off-road vehicle crossing a stream, subject to section 5.3 (a) of this by-law, follows a designated path of "stepping stones" that, for the purpose of environmental responsibility, have been strategically placed in the stream in order to prevent the tires of the off-road vehicle from coming into direct contact with the stream bed.

Note 6: Sections 5.2 and 5.3, do not apply to a class of persons identified in sections (4) and (12) of Schedule "A" of this by-law while completing work pursuant to a work permit issued by the Ministry of Natural Resources.

- 5.4 No person shall operate an off-road vehicle in or through an area that, under the advice, recommendation or order of the Ministry Of Natural Resources has been closed, or access temporarily restricted to protect wildlife, heritage sites, cultural sites or sensitive ecological features.

6. PENALTIES

- 6.1 Any person who violates any of the provisions of this by-law may be charged with an offence and upon conviction is subject to:
- (a) On the first offence, to a fine of not less than ONE HUNDRED (\$100.00) and not more than THREE HUNDRED (\$300.00) DOLLARS;
 - (b) On the second offence, to a fine of not less than TWO HUNDRED (\$200.00) and not more than FIVE HUNDRED (\$500.00) DOLLARS;
 - (c) Upon any subsequent offence(s), to a fine of not less than FIVE HUNDRED (\$500.00) and not more than ONE THOUSAND (\$1,000.00) DOLLARS.

f7. EFFECTIVE DATE

7.1 By-law no. 538 is hereby repealed, effective July 1st, 2015.

7.2 This By-law shall take effect on July 1st, 2015.

READ AND ADOPTED IN OPEN COUNCIL

This 29th day of June 2015

Acting Mayor

CAO/Clerk

SCHEDULE "A"

EXEMPTIONS

Consistent with the shared-use approach to recreational trail development and the requirement to protect the rights of traditional users, the following exemptions apply in respect to the administration of this by-law:

1. Police officers, By-Law enforcement personnel, municipal employees, emergency response personnel to include search and rescue, ambulance staff, medical workers, firefighters, employees of the Ministry of Natural Resources, Ministry of Northern Development and Mines and employees of the Ministry of National Defense, while actively employed in duties related to and/or a condition of their employment.
2. Persons with a "license of occupancy", occupier's status, Land use permit (LUP), Landowners, their tenant(s), immediate family members (including same-sex partners) of landowners and/or tenants, while traveling to and from property owned by the landowner, if the trail is the only access route from the closest road, if the trail is a traditional access route, or if the trail is the safest access route to the property.
3. Aboriginal, First Nations people of Canada, while on treaty or traditional lands.
4. Forestry workers, harvesters, wood cutters, including the employees or agents of any Forestry, Timber or Logging Company, while engaged in forestry activities pursuant to a license or permit issued in accordance with The Crown Forest Sustainability Act.
5. Trappers, their employees or helpers in possession of a Fur Harvesters License, registered trap line map or copy thereof, issued by the Ministry of Natural Resources, and while conducting trapping and/or fur management operations within their permitted area as designed by the Ministry of Natural Resources.
6. Licensed Prospectors' and/or their helpers in possession of a valid prospectors license or legible copy thereof, while staking or working claims within a claim area, or while traveling directly to or from a claim area, if the trail is the only access route from the closest road, if the trail is a traditional access route, or is the only safest access route.
7. Employees of a mining / exploration company or the employees of any contractor, driller, claim staker, land surveyor or geotechnical surveyor that is engaged by such a company to include any field service supplier of any of these persons in possession of documentation demonstrating

proof of employment and while traveling directly to or from the project area, if the trail is the only access route from the closest road, if the trail is a traditional access route or is the only safest access route.

8. Licensed Anglers while engaged in angling activities and carrying angling equipment, during an open season, while traveling on Crown or other public land directly to or from the an area opened for angling, if the trail is the only access route from the closest road to the area open for angling, if the trail is a traditional access route, or is the safest access route to the area open for angling.

Anglers 65 years of age or older or anglers under 18 years of age, in possession of a valid fishing/hunting outdoors card, while engaged in angling activities and carrying angling equipment during an open season and while travelling on Crown or other public land directly to or from the area opened for angling, if the trail is the only access route from the closest road to the area open for angling, if the trail is a traditional access route, or is the safest access route to the area open for angling.

9. Licensed hunters, while engaged in hunting activities and while carrying hunting equipment during open season in an area where hunting is permitted, if the trail is the only access route from the closest road to the area open for hunting, if the trail is a traditional access route, or is the safest access route to the area open for hunting.

10. Licensed bait Harvesters, their employees or helpers, in possession of a valid Bait Harvesters License or copy thereof, issued by the Ministry of Natural Resources and while conducting Bait Harvesting activities within the guidelines stipulated in their licensing agreement.

11. The Operator of a Bear Management Area, their employees and/or helpers while actively involved in bear hunting activities or bear management duties within their area of control / responsibility as stipulated by the Ministry of Natural Resources.

Guest or clients of the operator of a Bear Management Area, proceeding to their designated hunt site via the most direct route, if the trail is the only access route from the closest road, if the trail is a traditional access route, or is the safest access route to the hunt area.

12. Members, employees, agents, contractors of the Mattice Sno Devils Snowmobile Club while performing duties directly related to tourism marketing and/or trail maintenance.

SCHEDULE “B”

PROHIBITED AREAS

INTENT OF THE BY-LAW: the intent of allowing off-road vehicles the use of municipal roads is solely to ease gaining access to permitted trails in the rural areas. Off-road vehicles are strictly prohibited on the following municipal or institutional properties:

- The Mattice Sports Complex surrounding yard
- The Mattice-Val Côté Municipal Complex yard
- The St. François-Xavier School parking lot and yard
- All municipal sidewalks
- The Mattice Water Plant parking lot and surrounding yard
- All municipal parks
- Church parking lots and surrounding property
- All cemeteries or burial grounds