

The Municipality of North Perth

By-law Number 77-2021

To permit and regulate the use of off-road vehicles on certain roadways under the jurisdiction of the Municipality of North Perth

WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that the powers of a municipality shall be interpreted broadly so as to enable a municipality to govern its affairs as it considers appropriate and to respond to issues.

AND WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, section 11. (3), provides that a municipality may pass by-laws with respect to municipal owned highways, including parking and traffic on such highways.

AND WHEREAS 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 the operation of off-road vehicles or classes 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 highway, and only during specified times.

AND WHEREAS the Council of the Municipality of North Perth deems it in the public interest to permit and regulate the operation of off-road vehicles upon its highways or parts of its highways.

NOW THEREFORE the Council of the Municipality of North Perth enacts as follows:

1. SHORT TITLE

1.1 This by-law shall be known as "The Off-Road Vehicle By-law".

2. DEFINITIONS

Boulevard shall mean that portion of every road allowance which is not used as a sidewalk.

Highway shall mean a common and public highway, street, 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.

Obstruction shall mean when a person makes it more difficult for the police or By-law Enforcement Officer to carry out their duties and responsibilities under the provisions of this by-law.

Off-road Vehicle or ORV shall mean 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 of a prescribed class of vehicle which shall be limited to the following:

- i. all-terrain vehicle or 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,
 - 1) a driver only and no passengers, or
 - 2) 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 footrests for the passenger that are separate from the footrests for the driver.
- ii. extreme terrain vehicle means an off-road vehicle that,
 - a. has six or eight wheels, the tires of which are all in contact with the ground,
 - b. has no tracks that are in contact with the ground,
 - c. has seats that are not designed to be straddled, and
 - d. has a minimum cargo capacity of 159 kilograms.
 - iii. 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.
 - iv. off-road motorcycle means an off-road vehicle, designed primarily for recreational use, that,
 - a. has steering handlebars,
 - b. has two wheels, the tires of which are all in contact with the ground,
 - c. has a minimum wheel rim diameter of 250 millimeters,
 - d. has a minimum wheelbase of 1,016 millimeters,
 - e. has a seat that is designed to be straddled by the driver,
 - f. is designed to carry a driver only and no passengers, and
 - g. does not have a sidecar.
 - v. 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.

Property Owner shall mean the registered owner, condominium corporation, assessed owner, occupant, tenant, person for the time being managing or receiving the rent for the property whether on his/her own account or as any agent or trustee or on account of any other person.

Sidewalk shall mean the portion of a highway between the curb line or edge of a roadway and the adjacent property line that is designated and intended for the use of pedestrians.

3. GENERAL PROVISIONS

3.1 The operation of off-road vehicles shall be permitted upon the highways under the jurisdiction of the Municipality of North Perth and in accordance with *Ontario Regulation 316/03* of the Highway Traffic Act, as amended, the *Off-Road Vehicles Act*, as amended, and in accordance with the provisions of this by-law.

3.2 No person shall operate an off-road motorcycle or an extreme terrain

vehicle on any highway within the Municipality of North Perth.

- 3.3 No person shall operate an off-road vehicle at a rate of speed greater than that identified under the Highway Traffic Act and Ontario Regulation 316/03 or any superseding legislation.
- 3.4 No person shall operate an off-road vehicle in the Municipality of North Perth between the hours of 11:00 pm and 6:00 am. If the operator of an off-road vehicle is actively participating in hunting, farming or snow clearing activities, the hours of operation do not apply.
- 3.5 No person shall operate an off-road vehicle over or upon:
 - (a) any Community Centre grounds,
 - (b) any park, sports field, playground, walking trail, or
 - (c) any cemetery that is under the jurisdiction of the Municipality of North Perth
 - (d) hospital grounds.
- 3.6 No person shall operate an off-road vehicle near any churches or funeral homes when services are in progress.
- 3.7 No person shall operate an off-road vehicle near a school, during the hours of 8:00 am to 4:30 pm during the school year.
- 3.8 No person shall operate an off-road vehicle on any sidewalk in the Municipality of North Perth other than for the purpose of crossing a sidewalk when travelling from private property to a highway.
- 3.9 No person shall operate an off-road vehicle on a boulevard in the Municipality of North Perth other than for the purpose of crossing a boulevard when travelling from private property to a highway.
- 3.10 No person shall operate an off-road vehicle on any highway in the Municipality of North Perth from December 1 to March 31. Hunters, farmers and snow clearing operators are exempt from this provision.
- 3.11 No person shall operate an off-road vehicle on private property within the Municipality of North Perth without permission of the property owner.
- 3.12 No person shall operate an off-road vehicle on highways as shown on Schedule "A" Off-Road Vehicles Prohibited.
- 3.13 No person shall operate an off-road vehicle in such a way as to disrupt or destroy the natural environment, create a nuisance by method of frequency of operation on any municipal property or upon any highway within the municipality.

4. EXEMPTIONS

- 4.1 This by-law shall not apply to off-road vehicles operated for emergency purposes by the Municipality of North Perth employees or agents, North Perth Fire Department, Perth County OPP or Perth County Paramedic Services.

5. PENALTY PROVISIONS

- 5.1 Where applicable, the provisions of this by-law shall be enforced by a Police Officer, a Municipal Law Enforcement Officer, or other such persons appointed by the municipality.

- 5.2 No person shall obstruct, hinder, or otherwise interfere with a Police Officer, Municipal Law Enforcement Officer, or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.
- 5.3 Failure to stop when directed by a Police Officer or Municipal Law Enforcement Officer shall be an offence of obstruction.
- 5.4 Every person who contravenes any section 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. 1990, c. P.33*, as amended.

6. SEVERABILITY

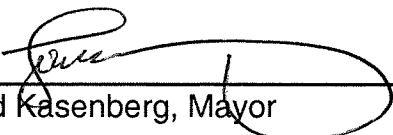
- 6.1 Each and every one of the foregoing provisions of the by-law is severable and if any provisions of this by-law should, for any reason, be declared invalid by any court, it is the intention and desire of this council that each and every one of the then remaining provisions shall remain in full force and effect.

7. EFFECTIVE DATE

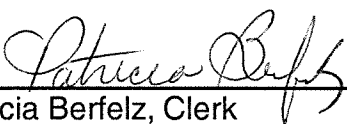
This By-law shall come into force and takes effect on the date of its final passing.

READ A FIRST AND SECOND TIME this 20th day of September, 2021.

READ A THIRD AND FINAL TIME AND PASSED this 20th day of September, 2021.



Todd Kasenberg, Mayor



Patricia Berfelz, Clerk

SCHEDULE "A"

Municipality of North Perth

By-law 77—2021

Off-Road Vehicles

Prohibited

Listowel

Highway	From	To	Time of
Main St.	Tremaine Ave.	Hwy 23 Roundabout	Anytime
Wallace Ave.	Catholic Church	Line 84	Anytime

Atwood

Highway	From	To	Time of Day
Main St.	Monument Rd.	Arthur St.	Anytime

Monkton

Highway	From	To	Time of Day
Madison St. W	Winstanley St.	Schade St.	Anytime
Winstanley	Madison St	Market St	Anytime

Municipality of North Perth Set Fines
Part 1 Provincial Offences Act
By-law xx-2021, a by-law to regulate the operation of off-road vehicles within
the Municipality of North Perth

Item	Column 1 Short form wording	Column 2 Provision creating or defining	Column 3 Set fines
1	Operate off-road motorcycle or extreme terrain vehicle on highway	Section 3.2	\$100.00
2	Operate an ORV outside permitted hours	Section 3.4	\$100.00
3	Operate an ORV in a prohibited area	Section 3.5	\$200.00
4	Operate an ORV near a church/funeral home during services	Section 3.6	\$200.00
5	Operate an ORV near a school during prohibited hours	Section 3.7	\$200.00
6	Operate an ORV on sidewalk	Section 3.8	\$200.00
7	Operate ORV on boulevard	Section 3.9	\$100.00
8	Operate an ORV outside permitted dates	Section 3.10	\$100.00
9	Operate an ORV on prohibited highway	Section 3.12	\$200.00
10	Obstruction	Section 5.2	\$400.00

Note: The general penalty provisions for the offences listed above is section 5.4 of by-law 77-2021, a certified copy of which has been filed.