

**Corporation of the
Township of Havelock-Belmont-Methuen**

By-law No. 2024-024

Being a by-law to permit and regulate the Operation of Off-Road Vehicles on
Municipal Highways within the Township of Havelock-Belmont-Methuen

WHEREAS pursuant to the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 191.8, subsection 1, no person shall drive an off-road vehicle on a highway except in accordance with the *Highway Traffic Act* regulations and any applicable municipal by-laws;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 191.8, subsection (3) provides that a Council of a municipality may pass by-laws:

- a) 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 parts of such highway;
- b) prohibiting the operation of off-road vehicles on any highway within the municipality that is under jurisdiction of the municipality, or on any parts of such highway;
- c) prescribing a lower rate of speed for off-road vehicles than that prescribed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction or on any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 191.8, subsection (4) provides that by-laws may regulate times of operation on any highway or parts of highway only during specified times;

AND WHEREAS the Council of the Corporation of the Township of Havelock-Belmont-Methuen deems it desirable to enact such a By-law for off-road vehicles as defined in Section 1 of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Ontario Regulation 316/03, as amended;

AND WHEREAS the purpose of the by-law is to provide access to link an off-road vehicle riders home or accommodation to the ATV trail, from trail to trail, and from ATV trail to economic services including food, fuel, supplies and service;

AND WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways Act, regulates the equipment and operational requirements of off-road vehicles;

AND WHEREAS the Corporation of the Township of Havelock-Belmont-Methuen deems it necessary to develop off-road vehicle safety regulations that allow off-road vehicles to have increased access to specific highways within the municipality under safe circumstances;

NOW THEREFORE BE IT RESOLVED that the Council of the Township of Havelock-Belmont-Methuen hereby enacts as follows:

1. Definitions:

In this by-law,

"Act" means the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Ontario Regulation 316/03: *Operation of Off-Road Vehicles on Highway Act*.

"All-Terrain Vehicle (ATV)" as defined by Ontario Regulation 316/03, 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. 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.

"AMP" shall mean an Administrative Monetary Penalty System established by a designated by-law.

"Extreme Terrain Vehicle (XTV)" as defined by Ontario Regulation 316/03, 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.

"Highway" as defined by the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, means 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. This also includes any open road allowances under the jurisdiction of the Corporation of the Township of Havelock-Belmont-Methuen.

"Multi-Purpose Off-highway Utility Vehicle (UTV)" as defined by Ontario Regulation 316/03, 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" means the Township of Havelock-Belmont-Methuen.

"Off-road Motorcycle (ORM)" as defined by Ontario Regulation 316/03, 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 millimetres;
- d) has a minimum wheelbase of 1,016 millimetres;
- 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.

"Off-road Vehicle (ORV)" as defined by the *Off-Road Vehicles Act*, R.S.O. 1990, c. O.4, 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 of a prescribed class of vehicle.

"Peace officer" for the purposes of this by-law includes:

- a) a police constable appointed under the Ontario Police Act;
- b) a conservation officer under the Fish and Wildlife Conservation Act;
- c) a park warden appointed under the Provincial Parks Act; and
- d) a by-law enforcement officer appointed by the Township.

"Recreational Off-Highway Vehicle (ROV)" as defined by Ontario Regulation 316/03, 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" as defined by Ontario Regulation 316/03, means a device or assemble 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.

"Township" means the Township of Havelock-Belmont-Methuen.

2. Regulation of Off-Road Vehicles on Highways

- 2.1 Only those "Off-road Vehicles" falling within the definition of "all-terrain vehicle (ATV)", "extreme terrain vehicle (XTV)", "multi-purpose off-highway utility vehicle (UTV)", "off-road motorcycle (ORM)" and "recreational off-highway vehicle (ROV)" in this by-law, may be driven on highways under the jurisdiction of the Township of Havelock-Belmont-Methuen provided that:
- a) the off-road vehicle meets the equipment requirements set out in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, Ontario Regulation 316/03: *Operation of Off-Road Vehicles on Highways Act*; and
 - b) the off-road vehicle is driven in accordance with the operational requirements set out in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, Ontario Regulation 316/03: *Operation of Off-Road Vehicles on Highways Act*.
- 2.2 Operation of an Off-road Vehicle shall be permitted on highways under the jurisdiction of the Municipality of Havelock-Belmont-Methuen from April 1st to November 30th annually.
- 2.3 An Off-road Vehicle shall not be permitted to travel on municipal roads between 9:00 p.m. and 8:00 a.m.
- 2.4 That the Off-road Vehicle shall not be driven at a rate of speed greater than;
- a) 20 km/hr if the speed established under the Highway Traffic Act or by municipal by-law for that part of the highway is not greater than 60 km/hr.; or
 - b) 50 km/hr. if the speed limit established under the Highway Traffic Act or by municipal by-law for that part of the highway is greater than 60 km/hr.
- 2.5 An Off-road Vehicle shall not be permitted to travel on a municipal highway if the exhaust system has been altered over the manufacturer's recommended decibel level.
- 2.6 No person shall operate an off-road vehicle:
- a) over and upon any municipal owned or municipal maintained land used as parks or playgrounds;
 - b) any sidewalk, footpath or other area meant solely for pedestrian traffic;
 - c) any private roads or driveways without the consent of the owner thereof;
 - d) any unopened road allowances;
 - e) within the boundaries of the Mathison Property.
- 2.7 Helmets are required on all municipal highways along with a valid driver's licence and insurance.
- 2.8 Travel must be in the same direction as traffic and off-road vehicles must travel on the shoulder of the road, but may travel on the road only if the shoulder is unsafe.

- 2.9 All persons operating off-road vehicles under the permission granted in this by-law shall have adequate insurance at all times. In the event that such insurance is inadequate in terms of deductibles, terminated or limited coverage or otherwise, any and all losses and costs which, the Township of Havelock-Belmont-Methuen may incur as a result of such inadequate insurance coverage, are a debt due to the Township of Havelock-Belmont-Methuen, which the person shall pay on demand forthwith.

3. Warranty and Indemnity

- 3.1 In recognition that the permission granted in this by-law is a privilege, every person intending to exercise the permission shall be deemed to have agreed to all of the terms and conditions in this by-law.
- 3.2 Each person exercising the permission granted in this by-law acknowledges and accepts that the Township of Havelock-Belmont-Methuen does not, in any way, warrant, represent or undertake that the public highways to which permission applies are suitable for or maintained to permit use by off-road vehicles. Each such person shall not, at any time, under any circumstances, claim or attempt to claim, in any proceedings whatsoever that the public highway was not suitable for off-road vehicle use or not maintained properly.
- 3.3 Where the Township of Havelock-Belmont-Methuen incurs any loss, costs or damages as a result of any person exercising the permission in this by-law, each such person shall, upon request, reimburse the Township of Havelock-Belmont-Methuen for all such loss, costs and damages.

4. Exemptions

- 4.1 This by-law does not apply to police, fire, ambulance, search and rescue or other emergency vehicles.
- 4.2 The exemptions governing crossing a highway, farmers and trappers and public work functions as set out in Section 25, 26, 27 and 28, of the *Highway Traffic Act*, R.S.O. 1990, c. H.8., Ontario Regulation 316/03: *Operation of Off-Road Vehicles on Highways Act* shall apply to this by-law.

5. Parking

- 5.1 Off-road vehicles shall be subject to all regulations and by-laws governing the parking of vehicles within the Township.

6. Enforcement

- 6.1 A peace officer may stop any person driving an off-road vehicle.

6.2 Every person who has been signaled to stop by a person authorized to do so under subsections 6.1 shall stop forthwith.

6.3 Every person stopped under this Section or subsection 6.1, shall when so requested; identify himself or herself by giving his or her name to the person who stopped him or her.

7. Severability

7.1 In the event any provision of this By-law is deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect unless the court makes an order to the contrary.

8. Penalties

8.1 "Each person and or Corporation who contravenes a provision of this By-law shall:

- a) When given a Penalty Notice in accordance with the Township of Havelock-Belmont-Methuen's Administrative Penalty By-law, be liable to the Township for an Administrative Penalty in the amount specified by the Administrative Penalty By-law, Table 1, for each day or part of a day on which the contravention continues; or
- b) Upon conviction be liable to fines as provided for in the Provincial Offences Act, R.S.O 1990, c. P33, as amended."
- c) A person who contravenes this by-law may be subject to an accelerated penalty. If a secondary violation occurs within 180 days of a previously enforced violation the penalty will be double the prescribed set fine. In the event that a third violation is committed within the 180 days from the original violation, the penalty will be double that of the accelerated set fine. For continual or habitual violations, the penalty shall not exceed that of the third violation. Accelerated penalty fines will be permitted only if the violation occurs within the same geographical location be it, street, road, highway, or municipal property.

9. Schedule

9.1 Permitted roads under the jurisdiction of the County of Peterborough are listed in Schedule "A" attached hereto and forms part of this By-law.

10. Repeal Section

10.1 That this By-law repeals By-law No. 2021-22.

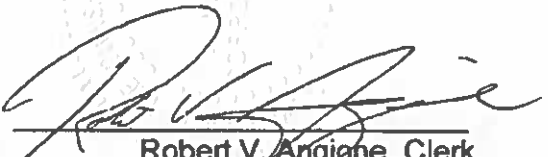
11. Date of Enactment

11.1 That this by-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Township of Havelock-Belmont-Methuen.

Read a first, second, and third time and finally passed in Open Council this 19th day of day of March 2024.



Jim Martin, Mayor



Robert V. Angione, Clerk

**Corporation of the
Township of Havelock-Belmont-Methuen**

By-law No. 2024-024

Schedule "A"

Permitted Roads Under the Jurisdiction of Peterborough County

Peterborough County By-Law Number	Approved Sections of County Roads for ATV Use
2016-35 Schedule "A"	County Road 46, Mclean Avenue to Baker Side Road
2016-35 Schedule "A"	County Road 46, Round Lake Road to Church Road
2016-35 Schedule "A"	County Road 46, 6 short sections between North of Fire Road 71 and North of Fire Road 79
2016-35 Schedule "A"	County Road 48, Preston Road to Concession 1, Belmont Township
2016-35 Schedule "A"	County Road 48, Mary Street, Highway 7 North
2016-35 Schedule "A"	County Road 48, from Trail 6 th Line to Weller Road in Havelock – 2.8 km
2016-35 Schedule "A"	County Road 48, from Fire Road 8 to Bowen Road – 795 m
2016-35 Schedule "A"	County Road 48, from Preston Road to Hastings County Boundary at Cordova – 2.7 km
2016-35 Schedule "A"	County Road 46, from Vansickle Trail to Post Road – 975 m
2016-35 Schedule "A"	County Road 46, from East Post Road to Point North of South Boundary Lot 7 – 1.2 km
2016-35 Schedule "A"	County Road 46, from Fire Road 68 to Twin Lakes Motel – 910 m

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Administrative Penalties

Item	Short Form Wording	Provision for Creating Defining Offence	Set Fine
1.	Operate or permit to operate an off-road vehicle during a prohibited time of year.	s. 2.2	\$205.00
2.	Operate or permit to operate an off-road vehicle during a prohibited time of day.	s. 2.3	\$205.00
3.	Operate or permit to operate an off-road vehicle over 20 km/h on a road with a posted speed limit not greater than 60 km/h.	s. 2.4 a)	\$205.00
4.	Operate or permit to operate an off-road vehicle over 50 km/h on a road with a posted speed limit greater than 60 km/h.	s. 2.4 b)	\$205.00
5.	Operate or permit to operate an off-road vehicle with an altered exhaust system.	s. 2.5	\$205.00
6.	Operate or permit to operate an off-road vehicle on a municipal park or playground.	s. 2.6 a)	\$205.00
7.	Operate or permit to operate an off-road vehicle on a sidewalk, footpath or area meant for foot traffic.	s. 2.6 b)	\$205.00
8.	Operate or permit to operate an off-road vehicle on any unopened road allowance.	s. 2.6 d)	\$205.00
9.	Operate or permit to operate an off-road vehicle within the boundaries of the Mathison Property.	s. 2.6 e)	\$205.00
10.	Fail to stop when directed by an officer.	s. 6.2	\$250.00
11.	Fail to identify self.	s. 6.3	\$250.00