



THE CORPORATION OF THE COUNTY OF WELLINGTON

BY-LAW 5748-22

A by-law to permit and regulate Off-Road Vehicles (ORVs) on County Roads

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; 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

WHEREAS the Council of the County of Wellington deems it in the public interest to permit the operation of off-road vehicles upon County Roads.

NOW THEREFORE, the Corporation of the County of Wellington enacts as follows:

1. SHORT TITLE

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

2. DEFINITIONS

2.1 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,

- (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.

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) as 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 centimeters.

3. GENERAL PROVISIONS

- 3.1 The operation of off-road vehicles shall be permitted upon the highways under the jurisdiction of the County 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 vehicle except as permitted by *Ontario Regulation 316/03* of the *Highway Traffic Act*, as amended.

4. PENALTY PROVISIONS

- 4.1 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.
- 4.2 No person shall interfere or obstruct an officer carrying out duties in the enforcement of this by-law.
- 4.3 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.

5. EFFECTIVE DATE

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

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS MARCH 31, 2022.





KELLY LINTON, WARDEN



DONNA BRYCE, COUNTY CLERK