



Township of Huron-Kinloss

2015-89 Off-Road Vehicle Office Consolidation

The amending by-laws have been combined with the original by-law for convenience only. This consolidation is not a legal document. Certified copies of the original by-laws should be consulted for interpretations and applications of the by-laws on this subject. The by-law numbers referenced in this consolidation refer to the by-laws that amended the principal by-law number 2015-89.

By-Law No.	Date	Amendment	
2020-122	November 16, 2020	Section 1.3 of By-Law 2015-89 1.3.4, 1.3.5,	

1.0 Definitions:

1.1 “Core Services” means accessing food, lodging, or fuel within the urban areas of the Township;

1.2 “Highway” shall have the same meaning as defined in section 1 of the HTA and shall include any part or parts thereof but shall expressly exclude any sidewalks, paths or other parts of the Highway used exclusively by pedestrians or cyclists;

1.3 “Off Road Vehicle” means:

1.3.1 an all-terrain 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 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;

1.3.2 a multi-purpose off-highway utility 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;

1.3.3 a recreational off-highway 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.

1.3.4 an extreme terrain 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;

1.3.5 an off-road motorcycle, 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.

1.4 "Township" shall mean The Corporation of the Township of Huron-Kinloss.

2.0 **General Provisions:**

2.1 Off-Road Vehicles shall be permitted on Highways under the jurisdiction of the Township, provided the Off-Road Vehicle, as well as the person operating it, complies with the provisions of:

- a) this by-law;
- b) the HTA;
- c) the Regulation; and
- d) the *Off-Road Vehicles Act*, R.S.O. 1990, c. O.4, as amended (the "ORV Act").

2.2 Pursuant to section 22 of the Regulation, no person shall operate an Off-Road Vehicle on any Highway under the jurisdiction of the Township at a rate of speed greater than:

2.2.1 20 kilometers per hour, if the speed limit established for that part of the Highway is not greater than 50 kilometers per hour; or,

2.2.2 50 kilometers per hour, if the speed limit established for that part of the Highway is greater than 50 kilometers per hour.

2.3 Pursuant to section 19.3 of the Regulation, no person shall drive an Off-Road Vehicle on a Highway under the jurisdiction of the Township with a passenger on the vehicle who is under the age of eight.

2.4 Pursuant to section 19(1) of the Regulation, the driver of every Off-Road Vehicle and every passenger on an Off-Road Vehicle shall wear helmets that comply with section 19 of the ORV Act.

- 2.5 Pursuant to section 19.4 of the Regulation, no person shall drive an Off-Road Vehicle on a Highway under the jurisdiction of the Township while it is towing a trailer or any other attachment if there is a passenger on the trailer or other attachment.
- 2.6 The operator of an Off-Road Vehicle on a Highway under the jurisdiction of the Township shall ensure that:
 - 2.6.1 when towing a trailing device, that the said trailing device shall be equipped with a rigid hitch which shall be securely fastened to the Off-Road Vehicle; and,
 - 2.6.2 that the trailing device shall meet all the requirements of this by-law, the HTA, the Regulation and the ORV Act.
- 2.7 The exemptions as set out in sections 26 to 28 in the Regulation, regarding the operation of Off-Road Vehicles on Highways shall apply to this by-law and the permissions granted hereunder.
- 2.8 All employees for the Township, while in the performance of their duties, shall be exempt from the provisions in this by-law.
- 2.9 No person shall operate an Off-Road Vehicle on any property owned by the Township, except for a Highway or a trail approved by the Township for such use, without the permission of the Township.
- 2.10 No person shall operate an Off-Road Vehicle:
 - 2.10.1 in such a way so as to disturb or distort the natural environment including, fish habitats, property, and any flora or fauna;
 - 2.10.2 in any urban area of the Township including, but not limited to, Ripley and Lucknow, except as a means of direct access to Township-approved Off-Road Vehicle trails or to obtain Core Services; and
 - 2.10.3 in the area west of Lake Range Drive to Lake Huron in the Township (not to include Lake Range Drive itself) except as a direct access to Township-approved Off-Road Vehicle trails or to obtain Core Services.
- 3.0 This by-law may be enforced by police officers or municipal law enforcement officers appointed or authorized by the Township.
- 4.0 No person shall hinder or obstruct, or attempt to hinder or obstruct, a police officer or a municipal law enforcement officer exercising a power or performing a duty under this by-law.

- 5.0 Every person(s) who violates a provision 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, Chapter 33, as amended.
- 6.0 If a Court of competent jurisdiction should declare any section or part of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in full force and effect.