

TOWN OF FORT FRANCES

BY-LAW NO.

A BY-LAW FOR REGULATING, GOVERNING AND PROHIBITING THE
OPERATION OF OFF-ROAD AND ALL-TERRAIN VEHICLES WITHIN THE
TOWN OF FORT FRANCES.

WHEREAS Section 28 (2) of the Municipal Act, 2001, S.O. 2001, Chap. 25 as amended, allows a municipality to pass by-laws in respect of a highway if it has jurisdiction over the highway;

AND WHEREAS Ontario Regulation 316/03 made under the Highway Traffic Act R.S.O. 1990 as amended, defines Off-Road and All-Terrain Vehicles and also, provides regulations governing the operation of Off-Road Vehicles upon municipal highways;

AND WHEREAS Section 191.8 Subs. (3) of the Highway Traffic Act, R.S.O. 1990 Chap 8, As amended provides that the Council of a municipality may pass by-laws permitting the operation of Off-Road and All-Terrain vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or any part of such highway;

AND WHEREAS the Council of The Town of Fort Frances deems it in the best public interest to regulate, govern and prohibit the operation of off-road and all-terrain vehicles upon highways under the jurisdiction of The Town of Fort Frances;

AND WHEREAS it is expedient to replace By-Law No. 35/79 with this new by-law.

NOW THEREFORE Council for the Corporation of The Town of Fort Frances
HEREBY ENACTS as follows:

1. DEFINITIONS

In this by-law:

- 1.1 “All-Terrain Vehicle” means an off-road vehicle that,
- (a) has four wheels, the tires of all of which are 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, is 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.
- 1.2 “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 of a prescribed class of vehicle; (“véhicule tout terrain”)

(c) “prescribed class” has the same meaning as in the Off-Road Vehicles Act O. Reg 316/03 S. 1 as amended.

- 1.3 “Municipality” means the municipal corporation of the Town of Fort Frances or the geographic area within the limits of the Town of Fort Frances, as the context requires.
- 1.4 “Highway” means a highway as defined in the Highway Traffic Act that is under jurisdiction of the Municipality.
- 1.5 “Officer” means a Municipal Law Enforcement Officer appointed by Council or any authorized member of the Ontario Provincial Police or any other person appointed or designated by Council to provide law enforcement services for the Town of Fort Frances.
- 1.6 “Roadway” means the part of the highway that is designed or ordinarily used for vehicular traffic, but does not include the shoulder.
- 1.7 “Shoulder” means the part of the highway for the use of vehicles immediately adjacent to the roadway having a surface which has been improved with asphalt, concrete or gravel.
- 1.8 “Sidewalk” means the portion of a highway set aside by the Town of Fort Frances for the use of pedestrians.
- 1.9 “Trail” means the whole of any trail established and maintained by a recreational organization for the use of motorized off-road and all-terrain vehicles.

2. OPERATION OF OFF-ROAD & ALL-TERRAIN VEHICLES

- 2.1 No operator or owner of an off-road or all-terrain vehicle shall operate or permit to operate an off-road or all-terrain vehicle on any highway, which is under the jurisdiction of the Town of Fort Frances.
- 2.2 Notwithstanding Section 1 above, the operation of an off-road and all-terrain vehicle may be permitted to operate on a highway, which is under the jurisdiction of the Town of Fort Frances under the following conditions:
 - (a) While being driven, for the purposes of loading or unloading from trailer or vehicle to be used for the transporting of the off-road or all-terrain vehicle;
 - (b) While being driven, for the purposes of snow removal under the following conditions:
 - (i) Placement of snow is not permitted on sidewalks, roadways, highways and/or adjacent properties.
 - (ii) For the purposes of snow removal on your own property.
 - (c) That the Town of Fort Frances, Ontario Provincial Police, Fort Frances Fire/Rescue personnel and Primary Care Paramedics (ambulance attendants) are exempt from the provisions of this by-law while in the performance of their official duties.
- 2.3 Any person operating an Off-Road or All-Terrain Vehicle under this by-law shall comply with the Highway Traffic Act, the Off-Road Vehicles Act and all other Federal or Provincial laws and Municipal By-Laws, as

applicable, or any regulations made under them as amended or replaced from time to time.

2.4 The driver of an off-road and all-terrain vehicle shall wear a helmet that complies with Section 19 of the Off-Road Vehicles Act.

2.5 The driver of an off-road and all-terrain vehicle shall ensure that any passenger riding on the vehicle is wearing a helmet that complies with Section 19 of the Off-Road Vehicles Act.

3. OFFENCE

3.1 Every person who contravenes the provisions of this by-law is guilty of an offence and on conviction may be subject to a fine of not more than one thousand dollars (\$1000.00) exclusive of costs.

4. ENFORCEMENT

4.1 The provisions of this by-law are enforceable under the Provincial Offences Act, R.S.O. 1990, as amended from time to time. The Town of Fort Frances By-Law Enforcement Officers, the Ontario Provincial Police, and any other Provincial Offences Officers shall do enforcement of this by-law with authority under the Provincial Offences Act.

5. GENERAL PROVISIONS

5.1 If a court of competent jurisdiction declares any section or any part of any section of this by-law to be invalid, or to be of no force or effect, it is the intention of the Town that every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

5.2 Where the context permits, words importing the singular also include more than one persons, parties or things of the same kind.

5.3 The word “may” shall be construed as permissive and the word “shall” shall be construed as imperative.

5.4 If a provision of this by-law conflicts with the provision of any other applicable law, the provision that establishes the higher or more restrictive standard to protect the health, safety and welfare of the general public shall prevail.

5.5 The short form title of this By-Law shall be the “Off-Road Vehicles By-Law”.

6. REPEAL

6.1 By-Law No. 35/79, as amended, is hereby repealed.

This By-Law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this _____ day of _____ 2015.

R. Avis, Mayor

E. Slomke, Clerk