

BY- LAW NUMBER 32-2017

Of The Corporation of the
Municipality of Chatham-Kent

A By-law to Permit and Regulate the use of Off-road Vehicles on Highways in the
Municipality of Chatham-Kent

Finally Passed the 6th day of March, 2017

Whereas Section 191.8(3) of the *Highway Traffic Act*, R.S.O. 1990 Chapter H.8, as amended, provides that Council of a municipality may pass a by-law permitting the operation 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 during specified months or hours;

And Whereas Council of the Municipality of Chatham-Kent now deems it expedient to permit the operation of Off-road Vehicles on specified highways under the jurisdiction of the Municipality of Chatham-Kent;

Now Therefore the Municipal Council of the Corporation of the Municipality of Chatham-Kent enacts as follows:

1. For the purpose of this by-law:

1.1 "All-terrain Vehicle" shall have the same meaning as that term under the *Highway Traffic Act*, R.S.O. 1990 Chapter H.8, which is defined as of the date of this bylaws as: 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.

1.2 "Community of Chatham Highway" shall mean a highway located on or within the limits of the Primary Urban Centre known as Chatham, as defined in Section 2.3.6 of the Chatham-Kent Official Plan, as amended.

1.3 "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, but excludes all highways under Provincial jurisdiction.

1.4 "Multi-purpose Off-highway Utility Vehicle" shall have the same meaning as that term under the *Highway Traffic Act*, R.S.O. 1990 Chapter H.8, which is defined as of the date of this By-law as: 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.

1.5 "Permitted Off-road Vehicle" shall mean an all-terrain vehicle, multi-purpose off-highway utility vehicle, and recreational off-highway vehicle, as described in this section.

1.6 “Off-road Vehicle” shall have the same meaning as that term under the *Off-Road Vehicles Act*, R.S.O. 1990, c. O.4, which is defined as of the date of this By-law as: 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.

1.7 “Recreational Off-highway Vehicle” shall have the same meaning as that term under the *Highway Traffic Act*, R.S.O. 1990 Chapter H.8, which is defined as of the date of this By-law as: 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.

1.8 “Restricted Highway” shall mean:

- (a) those Highways described in Schedule “A” under the heading “Restricted Highways”;
- (b) Highways under the jurisdiction of the Province of Ontario; and Highways within the limits of the Primary Urban Centre known as Chatham, as defined in Section 2.3.6 of the Chatham-Kent Official Plan, as amended.

2. Permitted Off-road Vehicles shall be permitted on all Highways in the Municipality of Chatham-Kent, except for Restricted Highways, from one-half hour after sunrise to one-half hour before sunset. No Off-Road Vehicle shall be permitted on Restricted Highways at any time, save for crossing Restricted Highways as permitted by Ontario Regulation 316/03, Operation of Off-road Vehicles on Highways, under the *Highway Traffic Act*, R.S.O. 1990 Chapter H.8.

3. All provisions of Ontario Regulation 316/03, Operation of Off-road Vehicles on Highways, under the *Highway Traffic Act*, R.S.O. 1990 Chapter H.8, and the *Off Road Vehicles Act*, R.S.O. 1990, c.O.4, shall apply to this by-law and the operation of Permitted Off-Road Vehicles. Without limiting the generality of the foregoing, an Off-road Vehicle shall not be operated on a Highway unless:

- (a) a permit has been issued under section 5 of the *Off Road Vehicles Act*, R.S.O. 1990, c.O.4 or section 7 of the *Highway Traffic Act*, R.S.O. 1990, c. H.8;
- (b) the Off-road Vehicle is insured in accordance with section 2 of the *Compulsory Automobile Insurance Act*, R.S.O. 1990, c.C.25 and section 15 of the *Off Road Vehicles Act*, R.S.O. 1990, c.O.4;
- (c) the driver of the Off-road vehicle holds a valid driver’s licence pursuant to the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and regulations;
- (d) All equipment requirements and operational requirements for Off-road Vehicles under Ontario Regulation 316/03, Operation of Off-road Vehicles on Highways, under the *Highway Traffic Act*, R.S.O. 1990 Chapter H.8, are met.

4. Where any legislative reference is made in this By-law it shall be deemed to include that legislation, any regulations thereunder, any amendments thereto and any successor legislation or section.

5. If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid the remainder of the By-law shall be valid and shall remain in force. Where a provision of this By-law conflicts with the provision of another by-law, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

6. Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall, upon conviction thereof, pay a penalty established under the *Off Road Vehicles Act*, R.S.O. 1990, c.O.4 or the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as applicable, and where such a penalty is not established under those Acts shall pay a penalty not exceeding the maximum fine permitted under the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

7. This By-law may be enforced by any police officer, as defined in the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

8. This By-law shall be in effect from the date of passing.

THIS By-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD this 6th day of March, 2017.

Original Signed by:

Mayor – Randy R. Hope

Original Signed by:

Clerk – Judy Smith

Schedule "A" to
By-law Number 32-2017

Of The Corporation of the Municipality of Chatham-Kent

A By-law to Permit and Regulate the use of Off-road Vehicles on highways in the
Municipality of Chatham-Kent

Restricted Highways

Column 1	Column 2	Column 3
<u>Highway</u>	<u>From</u>	<u>To</u>
Community of Blenheim		
Talbot Street West	Chatham Street	Marlborough Street
Community of Camden		
Kent Line	Mandaumin Road	Mawlam Road (Township of Dawn-Euphemia)
Community of Chatham Township		
Kent Line	Water Street	Mandaumin Road
Mandaumin Road	Kent Line (South junction)	Kent Line (North junction)
Whitebread Line	St. Clair Parkway	Nelson Street
Community of Dresden		
North Street	Robinson Street	Main Street
St. George Street	Main Street	Metcalfe Avenue
Community of Orford		
Clachan Road	Turin Line	King's Highway 401
MacPherson Road	Talbot Trail	King's Highway 401
Orford Road	Spence Line	King's Highway 401
Community of Ridgetown		
Main Street West	Erie Street	Water Street
Main Street East	Erie Street	Cecil Street North
Community of Romney		
Goodreau Line	Wheatley Road	Tilbury West and Romney Road
Tilbury West and Romney Road	Wheatley Road	Goodreau Line
Community of Thamesville		
Victoria Street	Jane Street	Community of Thamesville south limits

Column 1	Column 2	Column 3
<u>Highway</u>	<u>From</u>	<u>To</u>
London Road	Community of Thamesville east limits	Community of Thamesville west limits
Community of Tilbury		
Mill Street East	Queen Street North	Community of Tilbury east limits
Mill Street West	Queen Street North	Community of Tilbury west limits
Queen Street North	Young Street	Canal Street
Queen Street South	Stewart Avenue	Canal Street
Community of Tilbury East		
Baptiste Road	Tecumseh Line	Community of Tilbury south limits
Community of Wallaceburg		
Dufferin Avenue	McNaughton Avenue	Community of Wallaceburg west limits
James Street	McNaughton Avenue	Fork Street
McNaughton Avenue	Dufferin Avenue	Murray Street
Murray Street	McNaughton Avenue	Community of Wallaceburg south limits
Wellington Street	Dufferin Avenue	Fork Street
Community of Wheatley		
Erie Street North	Talbot Road	Elm Street
Erie Street South	Talbot Road	Chestnut Street
Talbot Road East	Erie Street	Little Street
Talbot Road West	Erie Street	Victoria Street
Community of Zone		
Euphemia Line	Limerick Road	Downie Road (Township of Dawn-Euphemia)
Lambton Line	Florence Road	Main Line
Limerick Road	Clachan Road	Euphemia Line
Rural Arterial Highways		
Base Line	Industrial Road	Community Road
Bear Line Road	Electric Line	Grande River Line

Column 1	Column 2	Column 3
<u>Highway</u>	<u>From</u>	<u>To</u>
Bloomfield Road	Community of Chatham south limits	King's Highway 401
Breamore Line	Orford Road	King Street North
Cairo Road	Main Line	Euphemia Line
Cedar Hedge Line	North Street	Lindsay Road
Charing Cross Road	Community of Chatham south limits	Talbot Trail
Clachan Road	Turin Line	Limerick Road
Communication Road	King's Highway 401	Community of Blenheim north limits
Countryview Line	Bear Line Road	Kent Bridge Road
Dufferin Avenue	King's Highway 40	Chatham-Kent west limits
Electric Line	Bear Line Road	King's Highway 40
Erie Street South	165 m south of Middleton Line	South limit
Hill Road	Talbot Trail	Golf Course Line
Grand Avenue East	Community of Chatham east limits	Prince Albert Road
Industrial Road	Victoria Street	Base Line
Irish School Road	McCreary Line	Kent Line
Jacob Road	Pain Court Line	Grande River Line
Kent Bridge Road	Rose Beach Line	Magnavilla Line
Kent Bridge Road	Pioneer Line	Base Line
King Street North	Braemore Line	Community of Highgate north limits
Lindsay Road	Cedar Hedge Line	Countryview Line
Longwoods Road	Prince Albert Road	Community of Thamesville west limits
Longwoods Road	Community of Thamesville east limits	Clachan Road
Main Line	West Bothwell Road	Cairo Road
McCreary Line	Irish School Road	Booth Road
Merlin Road	Erie Street North (Community of Merlin north limits)	River View Line
Middle Line	Wheatley Road	William Street (Community of Merlin west limits)
Middle Line	Aberdeen Street (Community of Merlin)	Community of Blenheim west limits
North Street	Community of Dresden south limits	Cedar Hedge Line
Orford Road	Spence Line	Hastings Line

Column 1	Column 2	Column 3
<u>Highway</u>	<u>From</u>	<u>To</u>
Pain Court Line	Bear Line Road	Jacob Road
Queen's Line	Community of Tilbury east limits	Community of Chatham west limits
Ridge Line	Community of Blenheim east limits	Community of Ridgetown west limits
Talbot Trail	Community of Wheatley east limits	Community of Blenheim west limits
Talbot Trail	Community of Blenheim south limits	MacPherson Road
Victoria Road	Reeders Line	Magnavilla Line
West Bothwell Road	Longwoods Road	Main Line
Wheatley Road	Middle Line	Community of Wheatley north limits