



Internal Memorandum

Operations Department

Date: Tuesday, February 16th 2021
To: Transportation Committee
From: Shawn Carey, Director of Operations
Adam Fraser, Transportation Master Plan Project Coordinator
Subject: A Review and Options for Regulating Off-Road Vehicle use on Municipal Roads

Executive Summary

The Province of Ontario has changed regulations regarding the use of Off-Road Vehicles (ORV) on municipal highways a few times in the last decade. In 2004, the Town of The Blue Mountains' (Town) updated by-law 2004-69 which applies to All-Terrain Vehicles (ATV)/ORV use for municipal roads. This by-law does not reflect the options provided to municipalities through more recent regulatory changes. Currently, the Town's ORV by-law effectively prohibits ORVs from use of municipal roads.

This memo: provides an overview of ORV regulations; presents potential options for the Town to consider in reviewing ORV use on municipal roads; is intended to frame discussions; and, support decision-making. Generally, municipalities can, by by-law, permit or prohibit ORVs on municipal roads by ORV type, specific roadways or sections of roadways, times of day, times of year, and establish maximum speeds.

1. Introduction

Following recent changes to Provincial regulations regarding the use of ORVs on municipal roads, Council of the Town of The Blue Mountains has:

“direct[ed] staff to provide a follow-up report re: all potential options for off road vehicle use on municipal roadways, as permitted under the Highway Traffic Act for Transportation Committee consideration, per Committee's October 13, 2020 recommendation” dated December 14th 2020.

This memo is organized by first providing background information on the regulatory framework and relevant changes that have occurred regarding ORV use on municipal highways. Following that, a brief analysis of the Town's situation and a scan of practices of nearby or comparable municipalities is presented. This memo concludes with a list of options for the Transportation Committee and Council to consider, and finally a summary statement.

As defined in the Highway Traffic Act, a "highway" includes 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. "Highway" "road" and "roadway" are used interchangeably in this memo.

2. Regulatory Framework

Municipal Act

Sections 11 and 27 of the *Municipal Act* provide the authority for municipalities to pass by-laws with respect to highways within its jurisdiction. Section 27 identifies situations of joint jurisdiction, requiring by-laws by all municipalities having jurisdiction over the highway. Town examples of roads with joint jurisdiction include The Blue Mountains Meaford Townline Rd., Collingwood Clearview Townline and Osprey the Blue Mountains Townline.

Highway Traffic Act

The *Highway Traffic Act* (HTA) regulates motorized vehicles and their operation on highways across the Province. Section X.3 of the HTA provides regulations specific to ORVs, which have been amended several times in the last 2 decades. Currently, the applicable provisions are¹:

- Section 191.8 (1) No person shall drive an off-road vehicle on a highway except in accordance with the regulations and any applicable municipal by-laws;
- Section 191.(2)The minister may make regulations that classify ORVs and drivers, govern permitting and regulation of vehicle classes and highway classes, and exempt vehicle classes from other HTA regulations;
- Section 191.8 (3) The council of a municipality may pass by-laws that permit or prohibit ORVs or classes of ORVs from highways within the jurisdiction of the municipality and may prescribe lower rates of speed than what is prescribed through regulation; and

¹ provided sections in this report from the HTA X.3 are summaries to communicate their meaning in plain language. Readers are directed to the [original document](#) for further detail

- Section 191.8 (4) By-laws may regulate times of operation

Off-Road Vehicles Act

The *Off-Road Vehicles Act* (ORVA) regulates ORVs when they are operating off road on private lands, frozen waterways and unorganized territories. The ORVA regulations apply with necessary ORV modifications for on-road use. No further details are necessary for the scope of this memo, which is to discuss on-road use of Off-Road Vehicles. Readers are directed to the [ORVA](#) itself to learn more.

Ontario Regulation (O.Reg) 316/03: Operation of Off-Road Vehicles on Highways

Under the HTA, this regulation was first introduced in 2003 to provide detail for the classification of highways and requirements regarding equipment and operations of ORVs for on-road use. Generally, a framework for permitting the use of ORVs on municipal highways provides greater access for ORV users to connect between off-road trails and other permitted recreational areas using municipal highways.

Initially, ORVs were narrowly defined to mean only traditional, single-person All-Terrain Vehicles (ATV) and the equipment and operational standards were limited. Moreover, ORV on-road use was limited only to where municipal by-laws granted permission. (default prohibited).

3. Past Changes to the HTA and O.Reg 316/03

The Province of Ontario implemented major changes to the HTA in 2015 which introduced the ability for municipalities to pass by-laws that permit or prohibit ORVs, or classes of ORVs, from highways within the jurisdiction of the municipality. Other major changes to O.Reg 316/03 were:

- An Expanded definition of ORV (See Appendix A);
 - both one-up and two-up ATVs (single person, or two-person ATVs);
 - Recreational Off-highway Vehicle (ROVs); and,
 - Utility Terrain Vehicles (UTV).
- Mandating that all riders including drivers and passengers of all ages wear an approved motorcycle helmet and use a seat belt or footrests, where applicable;
- Children under the age of eight not be allowed as a passenger on any ORV operating on-road;
- The number of passengers be limited to the number of available seating positions;
- Requiring compliance labels on all ATV/ORVs; and,
- Clarifying access and exemptions for farmers and trappers and for far northern Ontario municipalities.

Further notable amendments were implemented through Bill 107 (*Getting Ontario Moving Act, 2019*), with two effective periods:

As of July 1st 2020: The Province again expanded the types of ORVs on-road, where permitted (See Appendix A):

- Extreme Terrain Vehicles (XTVs) - six or eight wheels all in contact with the ground;
- Off-Road Motorcycles (ORMs) - two wheels in contact with the ground; and,
- Relevant equipment and safety requirements of the new ORV types.

However, municipalities with existing by-laws permitting ORVs will need to amend their by-law after July 1, 2020 if they want to allow these the new types of vehicles on their local roads. By-laws created before July 1, 2020 apply only to those classes of ORVs which were permitted to operate on-road at the time.

As of January 1st 2021: For municipalities listed in [Ontario Regulation 8/03](#) (O.Reg. 8/03), permitted ORVs will be allowed by default on municipal highways unless the municipality has an existing by-law that restricts their use or creates a new by-law to prohibit or restrict the use of some or all off-road vehicles.

4. Current, O. Reg 316/03 General Scope of Regulations

| Equipment Requirements cover: | Operational Requirement cover: |
|---|--|
| <ul style="list-style-type: none">• Weight and dimensions Permit• Tires• Motor vehicle safety standards• Equipment configurations and performance requirements• Safety equipment• Equipment installed at time of manufacture and manufacturer's label• Braking system• Lamps• Windshields• View Obstructions | <ul style="list-style-type: none">• Permits• Insurance• Driver's License• Helmet• Seat Belts (where applicable)• Passengers (no passengers under the age of eight)• No riding on trailer• Application of HTA and ORVA• Maximum speeds• Environmental Protection• Rules of the road |

ORVs that meet the equipment requirements must be registered and have a motor vehicle plate issued by the province and insured under a motor vehicle liability policy to ride on-road, where permitted.

For on-road riding, an ORV driver must:

Operations Department
<https://www.thebluemountains.ca>

- be at least 16 years old;
- hold at least a valid G2 or M2 licence;
- wear an approved motorcycle helmet, securely fastened under the chin with a chin strap;
- wear a seat belt, where provided; and,
- travel at or below ORV speed limit.

For on-road riding, a *passenger* on an ORV:

- cannot be under the age of eight;
- must wear a seat belt or use foot rests, when applicable;
- must wear an approved motorcycle helmet, securely fastened under the chin with a chin strap; and,
- no passengers are permitted on ORMs

For more general information for both off-road and on-road rules form ORVs, readers are directed to the Ministry of Transportation’s [“Drive and Off-Road Vehicle”](#) page.

5. Farming Use

ORV regulations remain unchanged from the 2015 HTA amendments. Farmers can drive an ORV on the travelled portion of most provincial highways and municipal roads, for “agricultural purposes”, provided all the requirements noted below are followed, even if the highway is not on the provincial list (O. Reg 8/03) or included under a municipal by-law.

- the ORV is insured under an auto policy. The driver must carry proof of insurance [ORVA, section 15]. Insuring your ORV under an auto policy, as required by law, provides automatic accident benefits;
- the driver is licensed (minimum G2/M2); the driver must carry their Driver’s License [ORVA, section 2];
- the ORV is registered, i.e. it has an ORV plate [ORVA, section 3];
- the driver and any passengers must wear an approved helmet [ORVA, section 19 and O.Reg 316/03, section 19];
- a Slow-Moving Vehicle (SMV) sign must be on the rear of the vehicle, or on the rear of any towed implement or trailer [ORVA, section 2]; and,
- for vehicles equipped with seatbelts, the driver and passengers must wear them [O.Reg 316/03, sections 19.1, 19.2 and 19.3].

Farmers with seasonal or full-time employees, who operate an ATV/ORV while fulfilling their farm duties, need to ensure their employees are in full compliance with all the provisions noted above.

6. ORVs in the Town of The Blue Mountains

In 2004, the Town created by-law 2004-69 which prohibits ATVs (ORVs) from all roads, however allows for exemptions for special events, for which the Town has only granted one (1) (Appendix B). The exemption was for a single event for a specific date, time window, and route for ATV use on-road in 2004. The route was made up of a portion of 6th Sideroad, 6th Line, 3rd Sideroad and 4th Line. By-law 2004-69 is still in effect, but may warrant an update to reflect noted changes to the HTA and expanded definition of ORVs.

The Town is not listed in O.Reg. 8/03, and therefore has not been defaulted to permitting ORVs as of January 1st 2021. If the Town was listed in O.Reg. 8/03, the Town's by-law 2004-69 would still apply and prevent a sudden change in ORV use on Town roadways.

There are ATV/ORV clubs that have established relationships with neighbouring municipalities within Grey and Simcoe Counties, however staff are not aware of any significant recent outreach from clubs/club members requesting a review of the Town's current 2004-69 ORV bylaw.

Further review is necessary to understand the history of by-law compliance issues, complaints, and past-present concerns within the Town regarding ORV on-road use, if any, as part of considering a change to the Town's existing 2004-69 by-law.

7. Scan of Other Municipalities

Background research of relevant municipalities regarding ORV by-laws has been conducted. The general search criteria and table of finding are organized below.

Search Criteria

- Neighbouring municipality;
- South Georgian Bay Municipality;
- Municipality in Grey County;
- Municipalities with a similar agricultural/recreational/seasonal household mix; and,
- Municipalities with a mix of urban and rural.

Municipal ORV By-law Table

| Municipality (and link to by-law) | By-law, Date | Relationship/ Status | Summary of provisions/notes | Operation time regulations | General Permitted ORV types (as per O.Reg 316/03) |
|---|-----------------|-----------------------------------|--|--|---|
| Grey County | 2017 | Upper tier municipality | Most county roads permitted, with some restrictions. County has compiled a county-wide ORV on-road web map . | Permitted ½ hour before sunrise to ½ hour after sunset April 15 to Nov. 17th | All ORVs except XTV, ORM. By-law predates July 1 2020 |
| Town of The Blue Mountains | 2004 | - | All roads prohibited for ATVs except for a specific day and time that has lapsed for a special event. | Only for special event | By-law on references ATV due to age of by-law |
| Grey Highlands | 2016 | Abutting Municipality | Some roads prohibited, some roads permitted, and some unmaintained road allowances permitted | Prohibited 11pm to 5am | All ORVs except XTV, ORM. By-law predates July 1 2020 |
| Meaford | 2016 | Abutting Municipality | Permitted on most roads, with a few prohibited roads and specific trail sections, and not on any municipally owned lands. | N/A | All ORVs except XTV, ORM. By-law predates July 1 2020 |
| West Grey | Yes* | Municipality in Grey County | Online evidence that one exists but document details have not been reviewed. | - | - |

| Municipality (and link to by-law) | By-law, Date | Relationship/ Status | Summary of provisions/notes | Operation time regulations | General Permitted ORV types (as per O.Reg 316/03) |
|--|--------------|--|---|---|---|
| Simcoe County | None found | Abutting upper-tier municipality | No County-level By-law for ORVs | - | - |
| Collingwood | None found | Abutting Municipality, Simcoe County | - | - | - |
| Clearview, Recent news release | 2020 | Abutting Municipality, Simcoe County | Mix of permitted and prohibited roads, not permitted on county roads, in village of Creemore or Escarpment roads. | Prohibited 11pm to 7am, unless special event permit issued. | All ORVs except XTV, ORM. |
| Springwater map | 2020 | Simcoe County lower-tier municipality | Most roads permitted with specific list of prohibited roads. Despite year of by-law, it does not include new ORV types. Municipally owned trails, parks, playgrounds etc. are prohibited too. | Prohibited 11pm to 7am | All ORVs except XTV, ORM. |
| Saugeen Shores | 2015 | Bruce County, lower tier municipality. | Urban/rural boundary drawn – ORV prohibited in urban area except for users getting to/ from home to outside of urban boundary. Sidewalks and town owned lands prohibited (incl. parks, sidewalks, etc.) | Prohibited 11pm and 7am | All ORVs except XTV, ORM. By-law predates July 1 2020 |

| Municipality (and link to by-law) | By-law, Date | Relationship/ Status | Summary of provisions/notes | Operation time regulations | General Permitted ORV types (as per O.Reg 316/03) |
|-----------------------------------|--------------|--|---|--|--|
| Kincardine | 2016 | Bruce County, lower tier municipality | Permitted on all municipally owned roads, excluding urban areas, parks, trails, etc. | N/A | All ORVs except XTV, ORM. By-law predates July 1 2020 |
| Niagara-on-the-lake | No | Niagara Region, lower-tier municipality | - | - | - |
| Ottawa | 2019 | Eastern Ontario Single-tier municipality | Mostly prohibited with specific exceptions for roads and unopened road allowances, generally to the far south of Ottawa's municipal boundary (rural areas) | Prohibited 11pm and 7am | All ORVs except XTV, ORM. By-law predates July 1 2020 |
| Muskoka District | 2015-2018 | Upper-tier Municipality | *Muskoka district does not have a by-law, but each lower-tier municipality does. It seems there has been coordination across the lower-tiers and the District provides a on-stop website for ORVS | Permitted ½ hour before sunrise to ½ hour after sunset | All ORVs except XTV, ORM. All by-laws predates July 1 2020 |

Summary of Observations

Most reviewed municipalities have ORV by-laws in place, and content that reflects, at a minimum, the relevant HTA and regulatory amendments from 2015. All municipalities with ORV by-laws have permitted some degree of ORV on-road use, however there is great variation in the degree of permission/restriction. Most by-laws restrict ORV operations at night, or over fixed times (commonly 11pm to 7am) similar to noise by-law restrictions. Despite regulations granting municipalities the authority to distinguish between types of ORVs, no reviewed municipality applies ORV rules differently across the permitted types of ORVs. Similarly, no reviewed municipal by-law has been updated to include the July 1st 2020 additions of XTVs and ORMs.

8. Options for Consideration in the Town of The Blue Mountains

Below are proposed options for consideration. More options can be added following broader input from Town discussions.

Option 1: Status Quo

Despite the Town's in-force by-law not reflecting changes in regulations since 2004, it still has the effect of prohibiting ORVs from operating on-road anywhere within the municipal boundaries². This option may not provide the desired level of clarity relative to what the HTA and other regulations provide. However, it does provide the Town flexibility in making other considerations at a later time, such as an ATV/ORV club requesting the by-law be reconsidered.

Option 2: Update By-law, Maintain Existing Rules

If directed by Council, staff could pursue an update to the existing bylaw reflect regulatory changes, but not change the by-law's effect, such that ORVs stay prohibited for on-road use. This option provides added clarity for users and enforcement, particularly regarding the expanded types of ORVs.

Option 3: Update By-law, Consider Changing Rules

If directed by Council, staff could pursue an update to the existing bylaw to consider modifying the permitted use of ORVs on-road within the municipality. Generally, the Town can specify roads of permission/prohibition, speed limits, time of day and time of year, by type of ORV. Further analysis for ORV on-road suitability in the Town would be required. This option may warrant more significant public consultation.

² A legal interpretation has not yet been provided in this regard. This statement represents Operations staff review of by-law 2004-69 's effect relative to the regulatory changes since that by-law was written.

Option 4: Include Further Review in the Transportation Master Plan

If directed by Council, staff could include further review into the Transportation Master Plan (TMP), and revisit by-law 2004-69 at a time when the TMP project has produced relevant information. This option is similar to Option 1, but with a commitment to revisit the Town's by-law with a defined milestone related to the TMP that may inform decision making.

9. Conclusion

In fulfilling the direction by Council of The Town of The Blue Mountains, Town staff have reviewed ORV on-road use and have presented finding and potential options for consideration in this memo. It is expected that this memo will be updated and modified to serve future needs.

10. Resources

[Municipal Act](#)

[Highway Traffic Act](#)

[O.Reg 316/03: Operation of Off-Road Vehicles on Highways](#)

[Off-Road Vehicles Act](#)

[Ministry of Transportation "Drive and Off-Road Vehicle"](#)

[Ontario Federation of Agriculture \(OFA\) and OFA's ORV Fact Sheet](#)

Ministry of Transportation
Safety Program Development Branch
87 Sir William Hearst Avenue, Room 212
Toronto, Ontario M3M 0B4

Ministère des Transports
Direction de l'élaboration des
programmes de sécurité
87, avenue Sir William Hearst, bureau 212
Toronto, Ontario M3M 0B4



July 10, 2020

Dear Municipal Stakeholder,

I am pleased to announce that as of **July 1, 2020** the province expanded the types of off-road vehicles permitted on-road to two new additional types: off-road motorcycles commonly known as dirt bikes; and, extreme terrain vehicles, which are semi-amphibious vehicles with six or more wheels. This updated regulation can be found at <https://www.ontario.ca/laws/regulation/030316>.

It is important to note that the same on-road access rules for existing off-road vehicles continue to apply for these new vehicles on provincial roadways (Please see Schedule B of *Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways*). Similarly to the previously permitted vehicle types, municipalities may permit the use of off-road motorcycles and extreme terrain vehicles in their local jurisdiction through by-law. However, municipalities with existing by-laws permitting off-road vehicles will need to amend their by-law after July 1, 2020 if they want to allow these the new types of vehicles on their local roads. By-laws created before July 1, 2020 apply only to those classes of off-road vehicle which were permitted to operate on-road at the time: all-terrain vehicles, two-up all-terrain vehicles, and side by sides (utility terrain-vehicles, recreational off highway vehicles).

To support municipalities with these changes, the ministry has developed guidance documents to help municipalities decide whether to permit these new vehicles on their local roadways. These documents also provide guidance for proposed, yet to be proclaimed, changes for municipalities listed in Ontario Regulation 8/03 which will amend the way off-road vehicles are permitted on-road access to municipal roads. In municipalities listed in Ontario Regulation 8/03, off-road vehicles will automatically be allowed on municipal roads unless the municipality creates a by-law to prohibit or restrict their use. These new provisions have a target implementation date of January 1, 2021 and will replace the current requirement that those municipalities listed in Ontario Regulation 8/03 must enact a by-law to permit off-road vehicles to operate on identified municipal roads. If you have any questions regarding these future changes, please contact the general inquiry line for the Safety and Information Management office of the Operations Division at 905-704-2960.

For reference, the guidance documents are attached.

I would ask that you please forward this notice and enclosed guidance material to the attention of municipal staff in charge of traffic safety and those responsible for enforcing off-road vehicle laws in your area. If there are any questions regarding these amendments, please do not hesitate to contact the Acting Manager at the Safety Program Development Office Erik Thomsen at (647)-638-5210 or erik.thomsen@ontario.ca.

-2-

Thank you for your assistance in communicating this change.

Sincerely,

A solid black rectangular redaction box covering the signature area.

Angela Litrenta
A/Director
Safety Program Development Branch
Ministry of Transportation

Attachment – Municipal Guidance Materials

Additional Off-road Vehicles Allowed On-road

Effective July 1, 2020, the Ministry of Transportation (MTO) is making changes to add off-road motorcycles (ORM) and extreme terrain vehicles (XTV) to the existing list of off-road vehicles (ORV) permitted on-road. These two new ORV types will be in addition to the currently permitted 4 wheeled ORV types.

Municipal Considerations

Municipalities will continue to have the authority and make decisions about ORVs by way of by-law to:

- ▶ Permit ORVs
- ▶ Only allow specific ORVs on road
- ▶ Only allow ORVs at specific hours of the day
- ▶ Impose additional speed limits

ORV is a general term used to capture several different vehicles designed for off-road, however, only certain off-road vehicles that meet the requirements in Ontario Regulation 316/03 are permitted on-road:

All-Terrain Vehicles

“A “single-rider” all-terrain vehicle (ATV) is designed to travel on four low-pressure tires, having a seat designed to be straddled by the operator, handlebars for steering control and it must be designed by the manufacturer to carry a driver only and no passengers.



A two-up ATV is designed and intended for use by an operator or an operator and a passenger. It is equipped with straddle-style seating and designed to carry only one passenger.



Side-by-Sides

A recreational off-highway vehicle (ROV) has two abreast seats, typically built with a hood, and uses a steering wheel instead of a motorcycle steering handlebar.



A utility terrain vehicle (UTV) has similar characteristics to an ROV but typically also features a box bed. UTVs are generally designed for utility rather than for recreational purposes.



New Off-Road Vehicle Types

Extreme Terrain Vehicles (XTVs), commonly referred to as Argos are 6+ wheeled off-road vehicles capable of riding in multiple terrains, including through water. These vehicles sometimes come with tracks, however, tracked versions are not being permitted on road and are restricted to off-road use only.



Off-Road Motorcycles (ORMs) are 2 wheeled off-road vehicles that come in varying configurations such as, but not limited to: Recreational ORM, Trail ORM, Competition ORM, Dual sport ORM.



July 1, 2020

Vehicles permitted on any municipal road where a by-law is created to enable their use will continue to be permitted.

MUNICIPAL BY-LAWS: Effective July 1, 2020, additional types of ORVs can be permitted on municipal roads and provincial roadways where local municipalities create new by-laws to enable their use (existing ORV by-laws granting access will not automatically permit new types; a new by-law will need to be passed after July 1, 2020).

LICENCE REQUIREMENT: These new vehicle types will require at least a G2 or M2 licence, the same as other off-road vehicles. These vehicles do not come with lights so they are restricted from operating at night or when the weather is poor unless equipped with proper aftermarket lighting. Also, no passengers are allowed on ORMs.

Proposed for January 1, 2021

Proposed for January 1, 2021, in municipalities listed in Regulation 8/03, all ORV vehicle types, including new vehicle types, will be permitted on municipal roads. Municipalities must create a by-law to restrict or prohibit their use.

More Information

With respect to the enforcement of these laws, the police act independently when carrying out their duties. Any issues with the day-to-day operations of police services and the actions of its officers should be raised with the local chief of police or his/her representative. All set fines can be found on the [Ontario Court of Justice website](https://www.ontariocourt.ca/).

This document is a guide only. For official purposes, please refer to the *Highway Traffic Act* and regulations. For more information, please visit [Ontario.ca/ATV](https://www.ontario.ca/ATV).

Additional Off-road Vehicles Allowed On-road (continued)



Existing Types permitted:
ATVs, Two-Up ATVs,
ROVs, UTVs

New Types:
ORMs and XTVs



Operator Requirements

- Existing rider safety requirements:
- ▶ Must be at least 16 years old
 - ▶ Must hold at least a valid G2 or M2 licence
 - ▶ Wear an approved motorcycle helmet
 - ▶ Wear a seat belt, where provided
 - ▶ Travel at speeds less than the posted speed limit
 - ▶ Travel only on shoulder, and where unavailable, right most portion of the roadway
 - ▶ Be driven in the same direction as traffic
 - ▶ Carry the ATV/ORV's registration permit

- Rider safety requirements:
- ▶ Must hold at least a valid G2 or M2 licence (same as existing ORV types)
 - ▶ Must be at least 16 years old
 - ▶ Wear an approved motorcycle helmet
 - ▶ Wear a seat belt, where provided
 - ▶ Travel at speeds less than the posted speed limit
 - ▶ Travel only on shoulder, and where unavailable, right most portion of the
 - ▶ Be driven in the same direction as traffic
 - ▶ Carry the ATV/ORV's registration permit

Passenger Safety Requirements

- Existing passenger safety requirements:
- ▶ If the vehicle was manufactured with seat belts, everyone must buckle up
 - ▶ If the vehicle has passenger foot rests, the passenger must be able to reach these foot rests
 - ▶ The number of occupants is limited to the number of available seating positions
 - ▶ No passengers under the age of 8 are allowed and additional passenger restrictions apply if the driver is a young and novice driver with a minimum G2 or M2 licence
 - ▶ All riders – drivers and passengers – must wear an approved motorcycle helmet

- Passenger safety requirements
- ▶ **NEW** No passengers are permitted on ORM's while operating on-road
 - ▶ If the vehicle was manufactured with seat belts, everyone must buckle up
 - ▶ If the vehicle has passenger foot rests, the passenger must be able to reach these foot rests
 - ▶ The number of occupants is limited to the number of available seating positions
 - ▶ No passengers under the age of 8 are allowed and additional passenger restrictions apply if the driver is a young and novice driver with a minimum G2 or M2 licence
 - ▶ All riders – drivers and passengers – must wear an approved motorcycle helmet





Vehicle Requirements

- ▶ Be registered and plated
- ▶ Be insured
- ▶ Must have wheels in contact with the ground
- ▶ Be compliant with one of the ANSI/COHV standards listed in s.10 of Ontario Regulation 316/03 (certification label commonly found near footrest)
- ▶ Have headlights and taillights on at all times


- ▶ **NEW** Exempted from the standards listed in s.10
- ▶ **NEW** As an alternative to the standards listed in s.10 of Ontario Regulation 316/03 XTVs must comply with sections 7.2, 7.3, 7.4, 7.5 (other than section 7.5.1), 7.6, 7.7, 7.8 and 7.9 of the Society of Automotive Engineers Standard J2258, entitled "Light Utility Vehicles" (braking ability, lighting, rollover protection)
- ▶ **NEW** XTVs that are tracked are not permitted on-road
- ▶ **NEW** Have headlights and taillights on between sunset and sunrise (nighttime riding) or when the weather is unfavourable
- ▶ **NEW** ORM's must have a minimum wheel rim diameter of 250 mm, and has a minimum wheelbase of 1 016 mm (to prevent pocket bikes)
- ▶ **NEW** ORM's may meet federal definition for Restricted Use Motorcycles, and would need to meet federal standards, or may be Competition Vehicles, for which no federal standards apply
- ▶ Be registered and plated
- ▶ Be insured
- ▶ Must have wheels in contact with the ground


Off-Road Vehicles

During 2019, the Ministry of Transportation made two legislative amendments to the *Highway Traffic Act* to improve the experience of off-road vehicle (ORV) riding in the province. These changes, outlined within this infographic, have two effective dates: One set of changes became effective as of July 1, 2020 and the second set of changes are proposed to take effect January 1, 2021.


| Common ORV Types | All Terrain Vehicles (ATVs) | | Side-by-Sides | | New ORV Types | |
|------------------|---|--|---|--|--|--|
| |  "single-rider" all-terrain vehicle (ATV) |  two-up all-terrain vehicle (two-up ATV) |  recreational off-highway vehicle (ROV) |  utility terrain vehicle (UTV) |  off-road motorcycle (ORM) |  extreme terrain vehicle (XTV) |


Municipality A
Default speed limit less than 80km/h

Current vehicles permitted on road

Permitted on ANY municipal road where a by-law is created to enable their use


Not permitted on road
Restricted to off road use



Municipality B
Municipalities listed in Regulation 8/03)

Current vehicles permitted on road

Permitted on ANY municipal road where a by-law is created to enable their use


Not permitted on road
Restricted to off road use


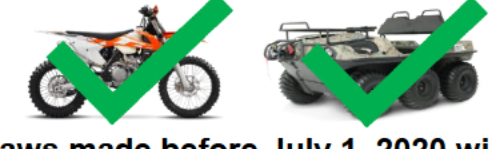
Effective July 1, 2020


Where a by-law is/was created to enable their use, these vehicles types or vehicles will continue to be permitted on any municipal road

Additional by-law/amended existing by-law is required to permit new vehicle types

By-laws made before July 1, 2020 will not automatically permit these vehicles


Effective July 1, 2020



Where a by-law is/was created to enable their use, these vehicles types will continue to be permitted on any municipal road

Additional by-law/amended existing by-law is required to permit new vehicle types

By-laws made before July 1, 2020 will not automatically permit these vehicles

Better for People, Smarter for Business Act



Proposed for January 1, 2021


No changes
Where a by-law is/was created to enable their use, these vehicles types or vehicles will continue to be permitted on any municipal road

Additional by-law/amended existing by-law is required to permit new vehicle types

No changes
By-laws made before July 1, 2020 will not automatically permit these vehicles

Getting Ontario Moving Act

In municipalities listed in Regulation 8/03, all ORV vehicle types, including new vehicle types, will be permitted on municipal roads.
Municipalities must create a by-law to restrict or prohibit their use

OPT - IN  **OPT - OUT** 

THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2004-69

BEING A BY-LAW to regulate and control the movement and time of movement of "ALL TERRAIN VEHICLES" also known as A.T.V.(s) on any highway's or road allowances under the control of the Town of The Blue Mountains

WHEREAS Schedule "B", Clause 48 to Ontario Regulation 316/03 as made under the authorization of the Highway Traffic Act gives municipalities the authority to pass by-laws regulating and controlling the movement and time of movement on all roads under the jurisdiction of the Town in regard to ATV(s).

NOW THEREFORE the Council of the Town of The Blue Mountains enacts as follows:

1. DEFINITIONS

- (a) Highways includes a common and public highway, street, avenue, parkway, square place, drive, bridge, viaduct or trestle, any part which is intended for or used by the general public for the passing of vehicles and includes the area between the lateral property lines thereof.
- (b) In this By-law an all terrain vehicle, (ATV) means an Off Road Vehicle that:
 - (i) has four wheels, the tires of which are in contact with the ground.
 - (ii) has steering handle bars.
 - (iii) has a seat that is designed to be straddled by the driver.
 - (iv) is designed to carry a driver only.

For the purpose of this By-law, ATV vehicle does not include argos, dune buggies, 2 or 3 wheeled vehicles, vehicles propelled or driver by muscular power or wind.

2. PROVISIONS

- (a) No ATV is allowed to travel on any road, at any time in the Town of The Blue Mountains other than that set out in Schedule "A" of this By-law on the following dates and times:
August 15, 2004,
From 7:00 a.m. to 9:00 p.m. daily except for legitimate emergency breakdown.
- (b) No person shall interfere with an officer carrying out his/her duties enforcing this By-law.
- (c) Every person(s) who violates a provision of this By-law is guilty of an offence and on conviction is liable to the penalty as provided in Section 61 of the Provincial Offences Act, R.S.O. 1990 Chapter 33, as amended from time to time.
- (d) This By-law shall come into effect after approval has been given by the Council of the Town of The Blue Mountains.

READ A FIRST AND SECOND TIME this 9th day of August,
2004.

READ A THIRD TIME AND FINALLY PASSED THIS 9th day of August,
2004.



ELLEN ANDERSON, MAYOR



STEPHEN KEAST, CLERK

KEY MAP SCHEDULE A

BY-LAW No. _____

TOWN OF THE BLUE MOUNTAINS

'ATV By-Law'



DESIGNATED ATV ROUTE

