

The Township of Cavan Monaghan

By-law No. 2020-62

Being a by-law to regulate the operation of Off-Road Vehicles (ORVs) within the jurisdiction of the Township of Cavan Monaghan

(Commonly known as the “ORV By-law”)

Whereas Section 191.8 of the Highway Traffic Act authorizes a municipality to pass by-laws permitting and regulating the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway under the jurisdiction of the municipality.

And Whereas Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways, as amended, passed under the Highway Traffic Act, regulates the operation and requirements of all classes of off-road vehicles,

And Whereas Section 35 of the Municipal Act, 2001, allows a municipality to restrict the common law right of passage by the public on a highway within its jurisdiction;

And Whereas Council deems it in the public interest to prohibit the operation of off-road vehicles as identified in the Highway Traffic Act, R.S.O. 1990, c. H.8 on highways and unopened road allowances within the jurisdiction of the Township of Cavan Monaghan;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. Definitions

Highway means a public highway or part thereof under the jurisdiction of the Township and includes any part of a common and public highway, street, avenue, parkway, square, place and drive 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 Traffic Act means the Highway Traffic Act, R.S.O, 1990, c.H.8, as amended

Off-Road Vehicle “ORV” 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 as identified in the Highway Traffic Act

Off-Road Vehicles Act means the Off-Road Vehicles Act R.S.O. 1990, c.O.4, as amended

Police Officer means an officer of the Peterborough Police Service

Provincial Offences Act means the Provincial Offences Act, R.S.O. 1990 c.P.33, as amended

Township means the Corporation of the Township of Cavan Monaghan

Unopened Road Allowance means an unopened road allowance or part thereof, under the jurisdiction of the Township

2. Prohibited Lands

- 2.1** No person shall operate an off-road vehicle over or upon any highway.
- 2.2** No person shall operate an off-road vehicle over or upon any unopened road allowance.
- 2.3** No person shall operate an off-road vehicle on a pedestrian walkway or sidewalk, within the geographical boundaries of the Township.
- 2.4** No person shall operate an off-road vehicle on any municipally owned or municipally maintained lands such as parks, playgrounds, sports fields, trails or for utility purposes.

3. Exemptions

This By-law does not apply to police, fire, ambulance, search and rescue or other emergency or Township vehicles.

4. Contravention of the By-law

Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction, is liable to fines under the Provincial Offences Act as defined in Schedule 'A' of this By-law.

5. Short Name

This By-law shall be commonly called the “ORV By-law”

Read a first, second and third time and passed this 2nd day of November 2020.

Scott McFadden
Mayor

Elana Arthurs
Clerk

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**Being a by-law to regulate the operation of Off-Road Vehicles (ORVs), on
highways and unopened road allowances within the jurisdiction of the
Township of Cavan Monaghan**

Schedule 'A'

Item	Short Form Wording	Offence Creating Provision	Set Fine
1	Operating an ORV on a municipal highway	Section 2.1	\$200
2	Operating an ORV on an unopened road allowance	Section 2.2	\$200
3	Operating an ORV on a sidewalk or walkway	Section 2.3	\$200
4	Operating an ORV on municipally owned property including a municipal parks or sports fields	Section 2.4	\$200