

**The Corporation of the Town of Atikokan**

**By-law No. 39-15**

**Being a by-law to regulate the use of all-terrain vehicles  
within the Town of Atikokan**

**WHEREAS** it is deemed necessary and expedient to amend By-Law No. 01-14, being a by-law for regulating the use of all-terrain vehicles within the Town of Atikokan; and

**WHEREAS** this amending by-law shall become a part of By-Law No. 01-14; and

**WHEREAS** the amendment to the All-Terrain Vehicle By-law listed herein are in order of Additions;

**NOW THEREFORE** the Council of The Corporation of the Town of Atikokan **ENACTS AS FOLLOWS:**

**ADDITIONS**

Schedule "A" - Ontario Regulation 135/15

**EFFECTIVE DATE**

This amending by-law comes into force and takes effect on July 1, 2015.

**READ a FIRST, SECOND and THIRD time and FINALLY PASSED this 22<sup>nd</sup> day of June, 2015.**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

# ONTARIO REGULATION 135/15

made under the

## HIGHWAY TRAFFIC ACT

Made: May 27, 2015

Filed: June 4, 2015

Published on e-Laws: June 4, 2015

Printed in *The Ontario Gazette*: June 20, 2015

Amending O. Reg. 316/03

(OPERATION OF OFF-ROAD VEHICLES ON HIGHWAYS)

**1. (1) The definition of “all-terrain vehicle” in section 1 of Ontario Regulation 316/03 is revoked and the following substituted:**

“all-terrain vehicle” means 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;

**(2) Section 1 of the Regulation is amended by adding the following definitions:**

“multi-purpose off-highway utility vehicle” means 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;

“recreational off-highway vehicle” means 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;

“seat belt assembly” means a device or assembly composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person.

**2. Sections 4 and 5 of the Regulation are revoked and the following substituted:**

**Permitted provincial highways for certain off-road vehicles**

- 4. (1) Subject to subsection (2), no off-road vehicle shall be driven on a highway listed in Schedule B.
- (2) All-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles may be driven on a highway listed in Schedule B if the requirements of Part III are met.

**Permitted municipal highways for certain off-road vehicles**

- 4.1 (1) Subject to subsection (2), an off-road vehicle may be driven on a highway or part of a highway in a municipality if,

- (a) a by-law made by the municipality under subsection 191.8 (3) of the Act permits the operation of the off-road vehicle on the highway or part of the highway;
  - (b) the off-road vehicle is driven only during the months or hours specified in the by-law, in the case where the by-law limits the operation of the off-road vehicle on the highway or part of the highway within the municipality to certain months or hours; and
  - (c) the requirements of Part III are met.
- (2) Subsection (1) does not apply to an off-road vehicle other than,
- (a) an all-terrain vehicle;
  - (b) a multi-purpose off-highway utility vehicle; and
  - (c) a recreational off-highway vehicle.

**Highways on Crown lands or within provincial parks or conservation reserves**

5. An off-road vehicle may be driven on a highway or part of a highway that is on Crown land administered under the *Public Lands Act* or that is within a provincial park or conservation reserve within the meaning of the *Provincial Parks and Conservation Reserves Act, 2006*, unless the operation of the off-road vehicle on the highway or part of the highway is prohibited by the road authority or is otherwise prohibited by law.

**3. Sections 7 to 12 of the Regulation are revoked and the following substituted:**

**Weight and width of multi-purpose off-highway utility vehicles , etc.**

7. (1) If the off-road vehicle is a multi-purpose off-highway utility vehicle, it must,
- (a) weigh 1,814 kilograms or less; and
  - (b) have an overall width not greater than 2.03 metres, excluding mirrors.
- (2) If the off-road vehicle is a recreational off-highway vehicle, it must,
- (a) weigh 1,700 kilograms or less; and
  - (b) have an overall width not greater than 2.03 metres, excluding mirrors.

**Weight of all-terrain vehicles**

7.1 (1) If the off-road vehicle is an all-terrain vehicle that was manufactured after December 31, 2001, the weight carried on the all-terrain vehicle must not exceed the maximum weight capacity as shown on the overloading warning label affixed by the manufacturer.

(2) For the purposes of subsection (1), the weight carried on the all-terrain vehicle includes the weight of the driver, any passenger, the cargo and accessories, and the trailer tongue weight, if any, but does not include the vehicle curb weight.

**Tires**

8. All the tires on the off-road vehicle must be inflated to the manufacturer's recommended settings for normal operation.

**Motor vehicle safety standards**

9. If the off-road vehicle is an all-terrain vehicle, it must meet the motor vehicle safety standards prescribed for restricted-use motorcycles in the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act (Canada)* applicable when the vehicle was manufactured.

**Equipment configuration and performance requirements**

10. If the off-road vehicle was manufactured after December 31, 2001, it must meet the equipment configuration and performance requirements set out in at least one of the following standards that are applicable to that class of off-road vehicle:

1. ANSI/SVIA-1-2001, entitled *American National Standard for Four Wheel All-Terrain Vehicles — Equipment, Configuration, and Performance Requirements*, approved by the American National Standards Institute, Inc. on February 15, 2001 and published by the Specialty Vehicle Institute of America.
2. ANSI/SVIA 1-2007, entitled *American National Standard for Four Wheel All-Terrain Vehicles*, approved by the American National Standards Institute, Inc. on July 23, 2007 and published by the Specialty Vehicle Institute of America.
3. ANSI/SVIA 1-2010, entitled *American National Standard for Four Wheel All-Terrain Vehicles*, approved by the American National Standards Institute, Inc. on December 23, 2010 and published by the Specialty Vehicle Institute of America.

4. ANSI/ROHVA 1-2011, entitled *American National Standard for Recreational Off-Highway Vehicles*, approved by the American National Standards Institute, Inc. on July 11, 2011 and published by the Recreational Off-Highway Vehicle Association.
5. COHV 1-2012, entitled *Canadian Off-Highway Vehicle Distributors Council Standard for Four Wheel All-Terrain Vehicles*, approved on September 26, 2012 and published by the Canadian Off-Highway Vehicle Distributors Council.
6. COHV 2-2012, entitled *Canadian Off-Highway Vehicle Distributors Council Standard for Recreational Off-Highway Vehicles*, approved on September 26, 2012 and published by the Canadian Off-Highway Vehicle Distributors Council.
7. ANSI/OPEI B71.9-2012, entitled *American National Standard for Multipurpose Off-Highway Utility Vehicles*, approved by the American National Standards Institute, Inc. on March 6, 2012 and published by the American National Standards Institute, Inc.
8. COHV 3-2013, entitled *Canadian Off-Highway Vehicle Distributors Council Standard for Multipurpose Off-Highway Utility Vehicles*, approved on April 3, 2013 and published by the Canadian Off-Highway Vehicle Distributors Council.
9. ANSI/ROHVA 1-2014, entitled *American National Standard for Recreational Off-Highway Vehicles*, approved by the American National Standards Institute, Inc. on September 24, 2014 and published by the Recreational Off-Highway Vehicle Association.

**Safety equipment for multi-purpose off-highway utility vehicles and recreational off-highway vehicles**

10.1 (1) If the off-road vehicle is a multi-purpose off-highway utility vehicle, it must be equipped with an occupant protective structure and comply with subsection (3).

(2) If the off-road vehicle is a recreational off-highway vehicle, it must be equipped with a roll-over protective structure and comply with subsection (3).

(3) A multi-purpose off-highway utility vehicle or a recreational off-highway vehicle must be equipped,

- (a) with a handle or device that may be grasped by an occupant to provide support and to assist the occupant in keeping his or her arms and hands within the vehicle;
- (b) for each seating position, with a seat belt assembly that is in good working order and that includes a strap or straps sufficient to restrain both the pelvis and the torso; and
- (c) with a rear view mirror.

**Equipment installed at time of manufacture and manufacturer's label**

11. (1) A component, equipment or other feature of the off-road vehicle that was part of the vehicle when manufactured and that is required by section 9, 10 or 10.1 must operate properly and must not be missing, partly or wholly inoperable or modified so as to reduce its effectiveness.

(2) A component, equipment or other feature of the off-road vehicle that is specified in the definition of "all-terrain vehicle", "multi-purpose off-highway utility vehicle" or "recreational off-highway vehicle" in section 1 or that is required by section 9, 10 or 10.1 must have been installed at the time the vehicle was manufactured.

(3) If the off-road vehicle was manufactured after December 31, 2001, it must display in plain view the label that was affixed to the vehicle at the time of its manufacture to show the manufacturer's certification of the standard or standards listed in section 10 to which the vehicle conforms.

(4) If the off-road vehicle is an all-terrain vehicle manufactured after December 31, 2001, it must display in plain view the overloading warning label that was affixed to the vehicle at the time of its manufacture to show the maximum weight capacity.

**Braking system**

12. (1) The off-road vehicle must be equipped with service brakes that comply with the requirements set out in at least one of the standards listed in section 10 that are applicable to that class of off-road vehicle.

(2) The off-road vehicle must be equipped with a parking brake or parking mechanism that complies with the requirements set out in at least one of the standards listed in section 10 that are applicable to that class of off-road vehicle.

4. (1) Subsection 13 (5) of the Regulation is amended by striking out "when any brake is applied" at the end and substituting "when any service brake is applied".

(2) Clause 13 (7) (c) of the Regulation is revoked and the following substituted:

(c) one or more red reflex reflectors on the rear.

(3) Subsection 13 (8) of the Regulation is revoked and the following substituted:

(8) The reflex reflectors required by subsection (7) must comply with the requirements of the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada) if those requirements were applicable to the vehicle when the vehicle was manufactured.

**5. Subsection 16 (1) of the Regulation is revoked and the following substituted:**

**Permit**

(1) The off-road vehicle shall not be operated on a highway unless a permit under section 5 of the *Off-Road Vehicles Act* has been issued in respect of that vehicle and a number plate showing the number of the permit is displayed on the vehicle as required under that Act.

**6. Sections 18 and 19 of the Regulation are revoked and the following substituted:**

**Driver's licence conditions**

18. (1) The driver of the off-road vehicle shall hold a valid Class A, B, C, D, E, F, G, G2, M or M2 driver's licence issued under the Act unless he or she is exempt, under section 34 of the Act, from the application of section 32 of the Act.

(2) If the driver of the off-road vehicle holds a Class G2 or Class M2 driver's licence and is under the age of 20, there must not be, between the hours of midnight and 5 a.m., more than one passenger on the off-road vehicle who is under the age of 20, other than a person who is a member of the novice driver's immediate family, as defined in subsection 6 (6) of Ontario Regulation 340/94 (*Drivers' Licences*) made under the Act.

(3) Despite subsection (2), if the holder of the Class G2 or Class M2 driver's licence has held a valid driver's licence of that class for the immediately preceding six months or longer, the maximum number of passengers under the age of 20 allowed is three.

(4) The age distinctions in this section apply despite the *Human Rights Code*.

(5) Subsections (2) and (3) are subject to the requirements with respect to passengers set out in sections 19.1, 19.2 and 19.3.

**Helmet**

19. (1) The driver of the off-road vehicle and every passenger on the vehicle shall wear a helmet that complies with section 19 of the *Off-Road Vehicles Act*.

(2) No person shall drive an off-road vehicle on a highway with a passenger on the vehicle unless the passenger is wearing a helmet as required by subsection (1).

**Seat belts on multi-purpose off-highway utility vehicles or recreational off-highway vehicles**

19.1 (1) Every passenger on a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle on a highway shall,

- (a) occupy a seating position for which a seat belt assembly has been provided; and
- (b) wear the complete seat belt assembly as required by subsection (4).

(2) No person shall drive a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle on a highway unless he or she is wearing a complete seat belt assembly as required by subsection (4).

(3) No person shall drive a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle on a highway with a passenger on the vehicle, unless the passenger is,

- (a) occupying a seating position for which a seat belt assembly has been provided; and
- (b) wearing the complete seat belt assembly as required by subsection (4).

(4) A seat belt assembly shall be worn so that,

- (a) the strap of each restraint is securely fastened and worn firmly against the body in the intended position; and
- (b) no more than one person is wearing any strap of the seat belt assembly at any one time.

**Passengers on all-terrain vehicles**

19.2 No person shall drive an all-terrain vehicle on a highway with a passenger on the vehicle unless,

- (a) the vehicle is designed to carry both a driver and a passenger; and
- (b) the passenger is straddling the passenger seat behind the driver while facing forward with his or her feet securely on the separate foot rests intended for the passenger.

**No passengers under the age of eight**

19.3 No person shall drive an off-road vehicle on a highway with a passenger on the vehicle who is under the age of eight.

**No riding on a trailer**

19.4 No person shall drive an off-road vehicle on a highway while it is towing a trailer or any other attachment if there is a passenger on the trailer or other attachment.

7. (1) Subsection 24 (2) of the Regulation is amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following clause:

(c) the shoulder is not wide enough to allow the off-road vehicle to be driven with all of its tires remaining completely off of the roadway.

(2) Subsection 24 (12) of the Regulation is revoked and the following substituted:

(12) If the off-road vehicle is an all-terrain vehicle, the person driving the all-terrain vehicle on the highway may, despite clause 142 (4) (b) of the Act, indicate the intention to turn right by extending the right hand and arm horizontally beyond the right side of the vehicle.

8. (1) Subsection 27 (1) of the Regulation is revoked and the following substituted:

**Farmers and trappers**

(1) Sections 7, 8, 9, 10, 10.1, 11 and 18 do not apply to the operation of an off-road vehicle as described in clause 2 (2) (b) of the *Off-Road Vehicles Act* if,

(a) the driver of the vehicle holds a valid driver’s licence; and

(b) the number of passengers on the off-road vehicle does not exceed the number of seating positions that were installed at the time the vehicle was manufactured.

(2) Subsection 27 (2) of the Regulation is amended by striking out “section 4” and substituting “sections 4 and 4.1”.

9. (1) Subsection 28 (2) of the Regulation is revoked and the following substituted:

(2) Sections 7, 8, 9, 10, 10.1, 11 and 18 do not apply to the operation of an off-road vehicle on a highway by an employee who is driving the off-road vehicle in the course of his or her employment or in response to an emergency if,

(a) the employee holds a valid driver’s licence; and

(b) the number of passengers on the off-road vehicle does not exceed the number of seating positions that were installed at the time the vehicle was manufactured.

(2) Subsection 28 (3) of the Regulation is amended by striking out “Section 4 does not apply” at the beginning and substituting “Sections 4 and 4.1 do not apply”.

10. (1) Subsection 29 (2) of the Regulation is revoked and the following substituted:

(2) Sections 9, 10, 10.1, 11, 16 and 18 do not apply to the operation of an off-road vehicle on a highway in an area of the province described in Schedule C if,

(a) the driver of the off-road vehicle is at least 16 years old;

(b) the driver of the off-road vehicle holds a valid driver’s licence or motorized snow vehicle operator’s licence; and

(c) the number of passengers on the off-road vehicle does not exceed the number of seating positions that were installed at the time vehicle was manufactured.

(2) Subsection 29 (3) of the Regulation is amended by striking out “section 4” and substituting “sections 4 and 4.1”.

(3) Section 29 of the Regulation is amended by adding the following subsections:

(4) This section does not apply with respect to a highway or part of a highway that is under the jurisdiction of a municipality if the municipality has by by-law prohibited the operation of the off-road vehicle on the highway or part of the highway.

(5) This section does not apply with respect to a highway or part of a highway that is described in section 5 if the operation of the off-road vehicle is prohibited on the highway or part of the highway.

11. (1) The heading to Schedule B to the Regulation is revoked and the following substituted:

**SCHEDULE B****HIGHWAYS PERMITTED TO ALL-TERRAIN VEHICLES, MULTI-PURPOSE OFF-HIGHWAY UTILITY VEHICLES AND RECREATIONAL OFF-HIGHWAY VEHICLES**

(2) Paragraph 3 of Schedule B to the Regulation is revoked and the following substituted:

3. All of the King’s Highways known as Nos. 94, 105, 125, 127, 130 and 141.

(3) Paragraphs 22 and 23 of Schedule B to the Regulation are revoked and the following substituted:

22. That part of the King's Highway known as No. 60 in the County of Renfrew lying between a point situate 800 metres measured northerly from its intersection with the roadway known as Bridge Street in the Municipality of Bonnechere Valley and a point situate 800 metres measured easterly from its intersection with the roadway known as Renfrew County Road 62 South in the Township of Madawaska Valley.
  23. That part of the King's Highway known as No. 60 lying between a point situate 500 metres measured westerly from the centre line of its western-most intersection with County Road No. 62 in the Township of Madawaska Valley, in the County of Renfrew, and a point situate 300 metres measured southerly from the middle of the Headstone Creek Bridge (at the east entrance of Algonquin Provincial Park) in the District of Nipissing.
- (4) Paragraph 34 of Schedule B to the Regulation is revoked and the following substituted:**
34. That part of the King's Highway known as No. 72 lying between a point situate at its intersection with the King's Highway known as No. 17 in the District of Kenora and a point situate at its intersection with the railway tracks of the Canadian National Railway in the Town of Sioux Lookout, in the District of Kenora.
- (5) Paragraph 48 of Schedule B to the Regulation is revoked.**

**Commencement**

12. **This Regulation comes into force on the later of July 1, 2015 and the day it is filed.**

Back to top