



Tay Valley Township

ATV USE OF MUNICIPAL ROADS

WHAT DOES THE LAW SAY.....

Summary Only – prepared by K Dewey, CAO – Feb 2011
Reference to actual legislation must be made for clarity

The Highway Traffic Act says.....

- ❑ Prohibits use of ORV's on highways unless specifically permitted by Ontario Regulation or by municipal by-law
- ❑ Province may adopt Regulations to define class or classes of ORVs and/or drivers that are permitted
- ❑ Municipalities may pass by-laws designating specific highways or parts of highways, reduce speed or specify times for ORV use on municipal roads

The Off-Road Vehicles Act Says....

- ORV defined as
 - 3 or 4 wheel vehicle (not muscle or wind powered)
 - And other prescribed utility or all terrain vehicles

- Act primarily regulates use of ORVs on private property and does not generally apply to ORVs on highways, except that ORVs may be driven
 - Directly across a highway, or
 - if properly signed, for farm or trapper use

The Off-Road Vehicles Act Says....

- No person shall drive an ORV unless under owner's permit and vehicle plate
 - Plates and permits must match and changes must be reported
- Minimum age is 12 years (unless on parent's land and under close supervision)
- Insurance and helmet required

The Off-Road Vehicles Act Says....

- *“Every person who drives an ORV without due care and attention or without reasonable consideration for other persons is guilty of an offence.”*
- **Any Officer or the owner or occupier of land may stop any person driving an ORV on the land**
- *“Every person who enters premises on an ORV shall be deemed, for the purposes of the Occupiers Liability Act to have willingly assumed all risks” (unless tenant or paying entry fee)*

The ORV Act, O. Reg 863 says.....

- Defines classes of ORVs
 - ▣ Golf carts and wheelchairs exempt
 - ▣ Lists prescribed 4+ wheeled vehicles by make/model that are regulated
- Dictates where plates to be affixed and what documents must be on person and surrendered
- Prescribes helmet requirements (same as for motorcycles)
- Sets fees for permits and plates
- Prohibits ORV use on designated highways

The HT Act, O.Reg 316/03 says....

- ATV defined as
 - ▣ 4 wheels, handlebar steering,
 - ▣ straddle seat, no passengers

- Exemptions from Regulation for ATV's used in the case of a declared emergency, police/fire/ambulance, employee of utility, municipality

The HT Act, O.Reg 316/03 says....

- Prohibits use of all ORVs on specific highways (Sch A – 400 series, QEW, Parts of Hwy #7)
- Prohibits ORVs but permits use of ATVs on specific highways (Sch B and where by-law passed)
- Permits ORV use in provincial or public parks at the discretion of governing body

The HT Act, O.Reg 316/03 says....

Rules of the Road for ATVs on Sch B highways

- No passengers
- Equipment (brakes x3, lights front and rear), max weight 450kg, max width 1.35m, low pressure tires, Federal safety standards (MV Safety Act and American National Standards Institute) and all equipment must be operated and working properly
- Owner permit and vehicle plate, insurance, helmet required
- Drivers must comply with HT Act driving standards including driver's license

The HT Act, O.Reg 316/03 says....

- Max speed = 20km/hr on \leq 50km/hr roads
50km/hr on $>$ 50km/hr roads
- Environment to be protected against discharge of contaminant; all environmental legislation applies

The HT Act, O.Reg 316/03 says....

- Operation of ATV is
 - not to cause safety risk, harm or discomfort (dust, emissions or noise)
 - not to damage property, flora or fauna or disrupt or cause destruction of right-of-way, watercourse on the highway

The HT Act, O.Reg 316/03 says....

- ATVs shall be
 - ▣ Driven on right edge of shoulder in same direction as traffic unless no shoulder, blocked shoulder, railway crossing or construction zone or when driving directly across a highway
 - ▣ If shoulder obstructed, may drive on right edge of travelled portion of the highway in same direction as traffic

- ATVs may
 - ▣ pass other shoulder-driven vehicles only when safe to do so
 - ▣ Hand signal for RT turn, move to centre line for LT turn (back to shoulder when safe to do so)