

**The Corporation of the City of North Bay**

**By-Law No. 2015-128**

**Being a By-Law to Permit the Operation of Off-Road Vehicles on Designated  
Municipal Highways within the City of North Bay**

**Table of Contents**

Off-Road Vehicles By-Law ..... 2

Part 1 – Interpretation ..... 2

    1.1 Short Title ..... 2

    1.2 Schedules ..... 2

    1.3 Reference Aids ..... 3

    1.4 Severability ..... 3

    1.5 Definitions ..... 3

Part 2 – General Provisions ..... 4

    2.1 Limited Permission to Operate on Designated Highways ..... 4

    2.2 Exemptions ..... 4

Part 3 – Equipment Requirements ..... 5

    3.1 Equipment Requirements – General ..... 5

    3.2 Mufflers ..... 5

    3.3 Wheels and Tires – Attachments and Studs ..... 5

Part 4 – Operation Requirements ..... 5

    4.1 Operation Requirements – General ..... 5

    4.2 Permit and Plate ..... 6

    4.3 Insurance ..... 6

    4.4 Driver’s Licence ..... 6

    4.5 Helmets ..... 6

    4.6 Seat Belts ..... 7

    4.7 Passenger Restrictions ..... 7

    4.8 Maximum Speed ..... 7

    4.9 Requirement to Drive on Shoulder ..... 7

    4.10 Construction Zones ..... 8

    4.11 Yielding ..... 8

    4.12 Risk to Safety ..... 8

Part 5 – Enforcement ..... 8

    5.1 Authority to Enforce ..... 8

    5.2 Obstruction ..... 9

    5.3 Offences and Penalty ..... 9

Part 6 – Coming Into Force ..... 9

    6.1 Coming Into Force ..... 9

**The Corporation of the City of North Bay**

**By-Law No. 2015-128**

**Being a By-Law to Permit the Operation of Off-Road Vehicles on Designated Municipal Highways within the City of North Bay**

**Whereas** section 9 of the *Municipal Act, 2001*, SO 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that Act or any other Act;

**And whereas** section 10(1) of the *Municipal Act, 2001* provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** section 191.8(3) of the *Highway Traffic Act*, RSO 1990, c. H.8 provides that the council of a municipality may pass by-laws (a) 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 (b) prescribing a lower rate of speed for off-road vehicles than that prescribed for off-road vehicles by regulation;

**And whereas** s. 191.8(4) of the *Highway Traffic Act* provides that a by-law passed under section 191.8(3) permitting the operation of off-road vehicles on municipal highways may limit the operation of off-road vehicles to specified months or hours;

**And whereas** section 4.1 of Ontario Regulation 316/03 entitled “Operation of Off-Road Vehicles on Highways”, and passed under the *Highway Traffic Act*, in its effect limits the municipality’s power to permitting the operation of off-road vehicles only of prescribed classes on its highways;

**And whereas** Ontario Regulation 316/03 applies to and regulates the operation and requirements of off-road vehicles on highways;

**And whereas** the Council of The Corporation of the City of North Bay deems it desirable to enact a by-law permitting and regulating the operation of off-road vehicles on designated highways within the municipality during specified hours;

**And whereas** at its Regular Meeting held on August 24<sup>th</sup>, 2015, the Council of The Corporation of the City of North Bay passed Resolution # 2015-415 authorizing the Off-Road Vehicles By-Law to permit the operation of off-road vehicles on specific City roads only, at speeds not to exceed 20 kilometres per hour and only between the hours of 8:00 a.m. and 9:00 p.m., and including a prohibition to any exhaust modification;

**Now therefore the Council of The Corporation of the City of North Bay hereby enacts as follows:**

**Part 1 – Interpretation**

**1.1 Short Title**

This By-Law may be cited as the “Off-Road Vehicles By-Law”.

**1.2 Schedules**

The Schedules attached and referred to in this By-Law form an integral part of the By-Law. Any reference to a Schedule means a Schedule attached to this By-Law.

### 1.3 Reference Aids

The table of contents and headings and subheadings used in this By-Law are inserted for convenience of reference only and do not form part of the By-Law, and shall not affect in any way the meaning or interpretation of the provisions of this By-Law.

### 1.4 Severability

If any provision or part of a provision of this By-Law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

### 1.5 Definitions

In this By-Law, the following definitions shall apply:

**“All-Terrain Vehicle”** means an off-road vehicle that:

- (1) has four wheels, the tires of which are all in contact with the ground;
- (2) has steering handlebars;
- (3) has a seat that is designed to be straddled by the driver; and
- (4) is designed to carry:
  - (a) a driver only and no passengers; or
  - (b) a driver and only one passenger, if the vehicle:
    - (i) has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver; and
    - (ii) is equipped with foot rests for the passenger that are separate from the foot rests for the driver.

**“By-Law Enforcement Officer”** means the City’s By-Law Enforcement Coordinator and any other person appointed for the purpose of enforcing City by-laws.

**“City”** means The Corporation of the City of North Bay.

**“Designated Highway”** means a highway or part thereof, under the jurisdiction of the City, that is shown on Schedule “A” and Schedule “B” as being permitted for use by off-road vehicles.

**“Highway”** means a highway that is within the City and under the jurisdiction of the City, and includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

**“Multi-Purpose Off-Highway Utility Vehicle”** means an off-road vehicle that:

- (1) has four or more wheels, the tires of which are all in contact with the ground;
- (2) has a steering wheel for steering control;
- (3) has seats that are not designed to be straddled;
- (4) has a minimum cargo capacity of 159 kilograms;
- (5) does not weigh more than 1,814 kilograms; and
- (6) has an overall width not greater than 2.03 metres, excluding mirrors.

**“Off-Road Vehicle”** means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel on four or more wheels, and which is one of the following classes of vehicles as defined in this By-Law:

- (1) an all-terrain vehicle;

- (2) a multi-purpose off-highway utility vehicle; or
- (3) a recreational off-highway vehicle.

“**O Reg 316/03**” means Ontario Regulation 316/03 entitled “Operation of Off-Road Vehicles on Highways”, passed under the *Highway Traffic Act*.

“**Police Officer**” means the Chief of Police and any other sworn police officer of the North Bay Police Service.

“**Recreational Off-Highway Vehicle**” means an off-road vehicle that:

- (1) has four or more wheels, the tires of which are all in contact with the ground;
- (2) has a steering wheel for steering control;
- (3) has seats that are not designed to be straddled;
- (4) has an engine displacement equal to or less than 1,000 cubic centimetres;
- (5) does not weigh more than 1,700 kilograms; and
- (6) has an overall width not greater than 2.03 metres, excluding mirrors.

“**Roadway**” means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder.

“**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.

“**Traffic By-Law**” means The Corporation of the City of North Bay’s Traffic By-Law No. 2014-38 and any successor by-law thereto.

## **Part 2 – General Provisions**

### **2.1 Limited Permission to Operate on Designated Highways**

- (1) The operation of off-road vehicles is permitted:
  - (a) only on designated highways, as shown on Schedule “A” and Schedule “B”; and
  - (b) only between the hours of 8:00 a.m. and 9:00 p.m.
- (2) No person shall operate an off-road vehicle on a highway that is not a designated highway.
- (3) No person shall operate an off-road vehicle on a highway between the hours of 9:00 p.m. and 8:00 a.m.
- (4) No person shall operate an off-road vehicle as that term is defined in the *Off-Road Vehicles Act*, RSO 1990, c. O.4, which does not meet the definition of an off-road vehicle as defined in this By-Law, on a highway.

### **2.2 Exemptions**

The exemptions governing crossing a highway, farmers and trappers, and public work functions as set out in sections 25 to 28 of O Reg 316/03 apply, with the necessary modifications, to the provisions of this By-Law.

## **Part 3 – Equipment Requirements**

### **3.1 Equipment Requirements – General**

- (1) In addition to any other provision of this By-Law, the equipment requirements in sections 7 to 15 of O Reg 316/03 apply to off-road vehicles operated on a highway pursuant to this By-Law.
- (2) No person shall operate an off-road vehicle on a highway unless the off-road vehicle meets all of the equipment requirements of sections 7 to 15 of O Reg 316/03.
- (3) It remains the sole responsibility of the person operating an off-road vehicle on a highway to be familiar and comply with all applicable legislation and requirements. The prohibitions set out below in sections 3.2 and 3.3 shall in no way be construed so as to limit the generality of subsections (1) and (2) and shall in no way be construed as diminishing the driver's responsibility for knowing and complying with that legislation.

### **3.2 Mufflers**

- (1) No person shall operate an off-road vehicle on a highway unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or excessive smoke.
- (2) No person shall operate an off-road vehicle on a highway if the vehicle is equipped with a muffler that has been modified so as to reduce its effectiveness.
- (3) Without limiting the generality of subsections (1) and (2), no person shall operate an off-road vehicle on a highway if the vehicle is equipped with a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device.

### **3.3 Wheels and Tires – Attachments and Studs**

- (1) No person shall operate an off-road vehicle on a highway if there is any flange, rib, clamp or other device attached to its wheels or made a part thereof, which will injure the highway.
- (2) No person shall operate an off-road vehicle on a highway with studded tires unless in compliance with section 9 of Ontario Regulation 625 and, without limiting the generality of the foregoing, unless the studs conform to restrictions on studs as set out in section 9(1)(5) of Ontario Regulation 625.

## **Part 4 – Operation Requirements**

### **4.1 Operation Requirements – General**

- (1) In addition to any other provision of this By-Law, the operation requirements in sections 16 to 24 of O Reg 316/03 apply to off-road vehicles operated on a highway pursuant to this By-Law.
- (2) No person shall operate an off-road vehicle on a highway in contravention of the operation requirements of sections 16 to 24 of O Reg 316/03.
- (3) In addition to any other provision of this By-Law and O Reg 316/03, every person operating an off-road vehicle on a highway shall comply with all relevant legislation, including but not limited to the provisions of:
  - (a) the *Highway Traffic Act*; and

(b) the Traffic By-Law.

- (4) It remains the sole responsibility of the person operating an off-road vehicle on a highway to be familiar and comply with all applicable legislation and requirements. The prohibitions set out below in sections 4.2 to 4.12 shall in no way be construed so as to limit the generality of subsections (1),(2) and (3) and shall in no way be construed as diminishing the driver's responsibility for knowing and complying with that legislation.

#### **4.2 Permit and Plate**

- (1) No person shall operate an off-road vehicle 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.
- (2) Every driver of an off-road vehicle on a highway shall carry the permit for it or a true copy thereof with him or her at all times while in charge of the off-road vehicle, and shall surrender the permit or copy for inspection upon the demand of a police officer or by-law enforcement officer.

#### **4.3 Insurance**

- (1) No owner or lessee of an off-road vehicle shall operate the off-road vehicle, or cause or permit the operation of the off-road vehicle, on a highway unless the vehicle is insured in accordance with section 2 of the *Compulsory Automobile Insurance Act*, RSO 1990, c. C.25 and section 15 of the *Off-Road Vehicles Act*.
- (2) An operator of an off-road vehicle on a highway shall carry the current valid insurance card for the off-road vehicle or a true copy thereof with him or her at all times while in charge of the off-road vehicle, and shall surrender the insurance card or copy for inspection upon the demand of a police officer or by-law enforcement officer.

#### **4.4 Driver's Licence**

- (1) No person shall operate an off-road vehicle on a highway unless the person holds a valid Class A, B, C, D, E, F, G, G2, M or M2 driver's licence issued under the *Highway Traffic Act*.
- (2) Every driver of an off-road vehicle on a highway shall carry his or her driver's licence with him or her at all times while he or she is in charge of the off-road vehicle and shall surrender the driver's licence for inspection upon the demand of a police officer or by-law enforcement officer.
- (3) Every person who is unable or refuses to surrender his or her driver's licence in accordance with subsection (2) shall, when requested by a police officer or by-law enforcement officer, give reasonable identification of himself or herself and, for the purposes of this subsection, the correct name and address of the person shall be deemed to be reasonable identification.
- (4) Subsection (1) does not apply if the person is exempt under section 34 of the *Highway Traffic Act* from the application of section 32 of that Act.

#### **4.5 Helmets**

- (1) The driver of an 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).

#### **4.6 Seat Belts**

- (1) The provisions of this section apply to multi-purpose off-highway utility vehicles and recreational off-highway vehicles, but not to all-terrain vehicles.
- (2) No person shall drive a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle on a highway unless the person is wearing a complete seat belt assembly as required by subsection (5).
- (3) Every passenger on a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle on a highway shall occupy a seating position for which a seat belt assembly has been provided and shall wear the complete seat belt assembly as required by subsection (5).
- (4) 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 occupying a seating position for which a seat belt assembly has been provided and is wearing the complete seat belt assembly as required by subsection (5).
- (5) Every driver and passenger on a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle being operated on a highway shall wear a seat belt assembly 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.

#### **4.7 Passenger Restrictions**

- (1) No person shall drive an off-road vehicle on a highway with a passenger on the vehicle who is under the age of eight years.
- (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.
- (3) 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.

#### **4.8 Maximum Speed**

No person shall drive an off-road vehicle on a highway at a rate of speed greater than 20 kilometres per hour.

#### **4.9 Requirement to Drive on Shoulder**

- (1) The driver of an off-road vehicle on a highway shall drive:

- (a) on the shoulder of the highway in the same direction as the traffic using the same side of the highway; and
  - (b) as close to and parallel with the right edge of the shoulder as can be done practicably and safely.
- (2) Notwithstanding subsection (1), the driver of an off-road vehicle on a highway may drive on the roadway in the following limited circumstances, provided that he or she drives as close to and parallel with the right edge of the roadway as can be done practicably and safely:
- (a) where there is no shoulder;
  - (b) where the shoulder of the highway is obstructed and cannot be used by the off-road vehicle; or
  - (c) where the shoulder is not wide enough to allow the off-road vehicle to be driven with all of its tires remaining completely off the roadway.
- (3) Where the driver of an off-road vehicle on a highway is crossing a level railway crossing, subsection (1) does not apply and the driver shall not drive on the shoulder but shall drive on the roadway in the same direction as the traffic using the same side of the highway.

#### **4.10 Construction Zones**

- (1) No person shall drive an off-road vehicle on any part of a highway that is designated as a construction zone under subsection 128(8) of the *Highway Traffic Act* or on any other part of a highway where construction work or highway maintenance is being carried out.
- (2) Subsection (1) does not apply to a person who is operating an off-road vehicle as a vehicle described in subsection 128(13) of the *Highway Traffic Act* or as a road service vehicle as defined by section 1(1) of the *Highway Traffic Act*.

#### **4.11 Yielding**

When entering the shoulder of a highway or the roadway, the driver of an off-road vehicle shall yield the right of way to vehicles and pedestrians already using the shoulder or the roadway, as the case may be, and shall enter the shoulder or roadway only when it is safe to do so.

#### **4.12 Risk to Safety**

No person shall operate an off-road vehicle on a highway in such a manner that it causes or is likely to cause a risk to the safety of any person.

### **Part 5 – Enforcement**

#### **5.1 Authority to Enforce**

- (1) This By-Law may be enforced by a police officer or a by-law enforcement officer.
- (2) The powers of a police officer as set out in the *Highway Traffic Act* apply with the necessary modifications to this By-Law.
- (3) Without limiting the generality of subsection (2), a police officer, in the lawful execution of his or her duties and responsibilities, may require the driver of an off-road vehicle to stop and the driver of the off-road vehicle,



when signaled or requested to stop by a police officer who is readily identifiable as such, shall immediately come to a safe stop.

- (4) For the purposes of subsection (3), “off-road vehicle” means any off-road vehicle as defined by the *Off-Road Vehicles Act*.

## **5.2 Obstruction**

No person shall hinder or obstruct, or attempt to hinder or obstruct, any police officer or by-law enforcement officer exercising a power under this By-Law.

## **5.3 Offences and Penalty**

- (1) Subject to subsections (2) and (3), every person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act*, RSO 1990, c. P.33 of not more than \$5000.
- (2) Notwithstanding subsection (1), every person who contravenes section 4.3(1) of this By-Law is guilty of an offence and on conviction is liable to a fine of not more than \$25,000, and on a subsequent conviction to a fine of not more than \$50,000.
- (3) Notwithstanding subsection (1), every person who contravenes section 5.1(3) of this By-Law is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.
- (4) If any provision of this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **Part 6 – Coming Into Force**

### **6.1 Coming Into Force**

This By-Law shall come into force and effect upon passing.

Read a First Time in Open Council the 14th day of December, 2015.

Read a Second Time in Open Council the 14th day of December, 2015.

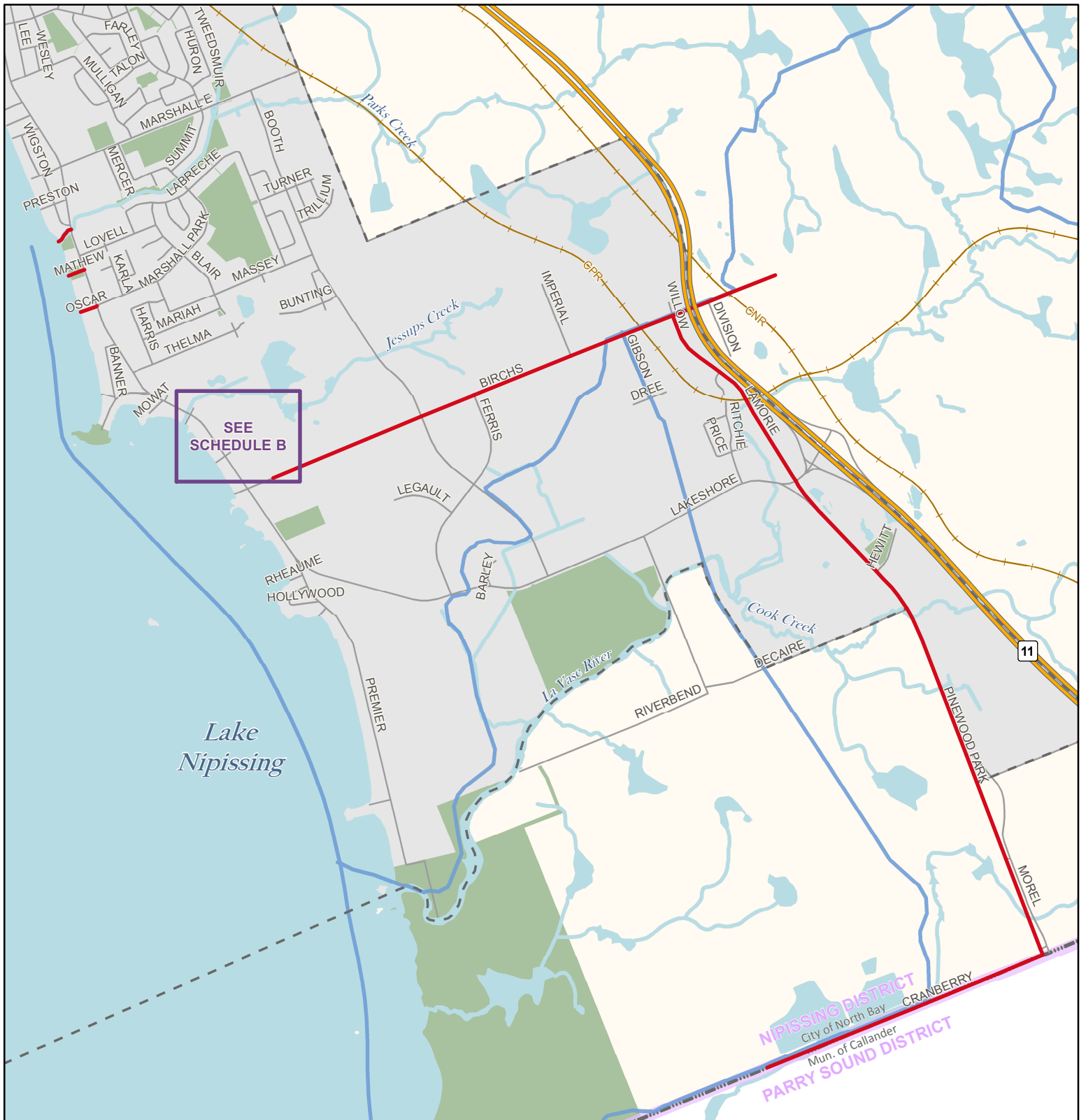
Read a Third Time in Open Council and Enacted and Passed this 14th day of December, 2015.

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Mayor Allan McDonald

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City Clerk Catherine Conrad

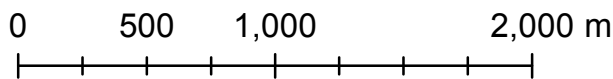


- Off Road Vehicles Permitted
- NBSC Snowmobile Trail (March 2011)
- Park
- Urban Area
- Rural Area
- Settlement Area
- Municipal Boundary

# SCHEDULE A Off Road Vehicles By-Law

August 19, 2015

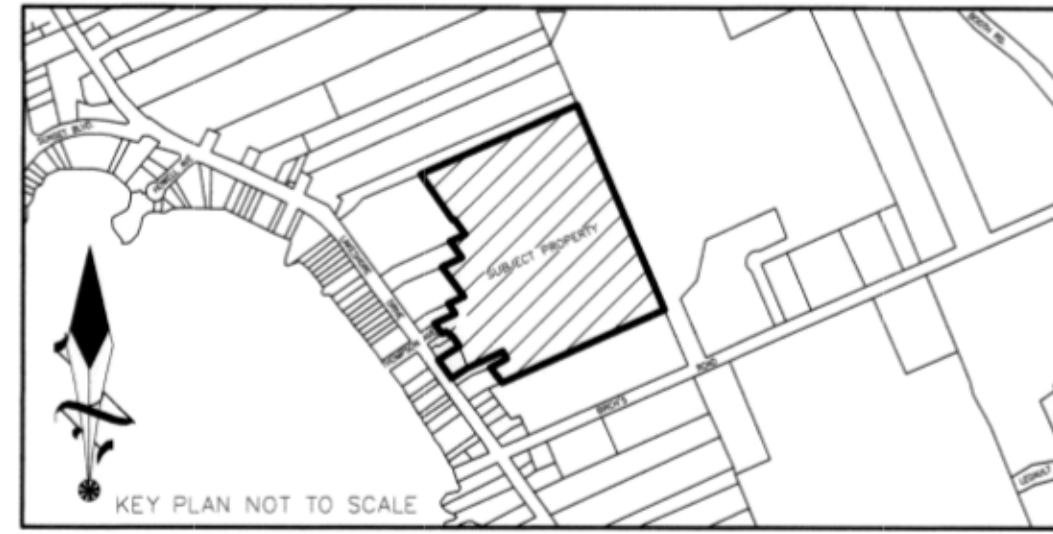
1:29,400 @ Letter Size



© City of North Bay, 2015  
 This map is not a legal plan or survey and should not be used as a navigational aid. The City of North Bay disclaims any liability that may arise from the use of the mapping data.  
 North American Datum 1983  
 Universal Transverse Mercator  
 17 T (Metric)

DRAFT PLAN OF SUBDIVISION OF  
 PART OF LOT 39  
 CONCESSION 15  
 TOWNSHIP OF WEST FERRIS  
 NOW IN THE  
**CITY OF NORTH BAY**  
 DISTRICT OF NIPISSING

0m 25m 50m  
 SCALE 1 : 750



**LAND USE ANALYSIS**

LOT/BLOCK	INTENDED USE	No. OF UNITS	AREA (HECTARES)
LOTS 1 TO 77	RESIDENTIAL	77	5.0332 Ha.
BLOCKS 80 & 81	0.3m RESERVE	2	0.0012 Ha.
STREETS	STREETS	4	2.2037 Ha.
BLOCKS 82, 83, 84, & 85		4	2.8033 Ha.
TOTAL			10.0414 Ha.

**METRIC**

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**BEARING NOTE**

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF PART 12, AS SHOWN ON DEPOSITED PLAN 36R-3950, HAVING A BEARING OF N68°22'20"E.

**ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE ONTARIO PLANNING ACT**

- (A) AS CERTIFIED ON THE FACE OF THE PLAN
- (B) AS SHOWN ON THE FACE OF THE PLAN
- (C) AS SHOWN ON THE FACE OF THE PLAN
- (D) THE PURPOSE FOR WHICH THE LOTS ARE TO BE USED ARE, LISTED IN THE LAND USE ANALYSIS.
- (E) THE EXISTING USES OF THE ADJOINING PROPERTIES ARE:  
 NORTH - VACANT LANDS - RH  
 EAST - VACANT LANDS - A  
 SOUTH - RESIDENTIAL - RH  
 WEST - RESIDENTIAL R2, TOURIST COMMERCIAL C7
- (F) AS SHOWN ON THE FACE OF THE PLAN
- (G) AS SHOWN ON THE FACE OF THE PLAN
- (H) MUNICIPALLY OWNED AND OPERATED PIPED WATER SYSTEM
- (I) THE NATURE AND POROSITY OF THE SOIL IS SANDY LOAM
- (J) 1.0 METRE CONTOUR INTERVALS SHOWN ON THE FACE OF THE PLAN
- (K) THE MUNICIPAL SERVICES TO BE AVAILABLE TO THE LANDS ARE:  
 EMERGENCY SERVICES - POLICE, FIRE, AMBULANCE  
 MUNICIPAL SERVICES - PIPED WATER, PIPED SANITARY, TRANSIT, GARBAGE,  
 RECYCLING, ROAD MAINTENANCE, SCHOOL BUSING, SNOW REMOVAL  
 PUBLIC SERVICES - GAS, ELECTRICITY, TELEPHONE, CABLE, INTERNET
- (L) THE PROPERTY IS SUBJECT TO EASEMENT No. LT319115.

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJOINING LANDS ARE CORRECTLY SHOWN.

JUNE 25, 2014  
 NORTH BAY, ONTARIO  
 R.D. MILLER  
 ONTARIO LAND SURVEYOR  
 FOR MILLER & URSO SURVEYING INC.

**OWNER'S CERTIFICATE**

I HEREBY CONSENT TO THE FILING OF THIS DRAFT PLAN FOR DRAFT APPROVAL.

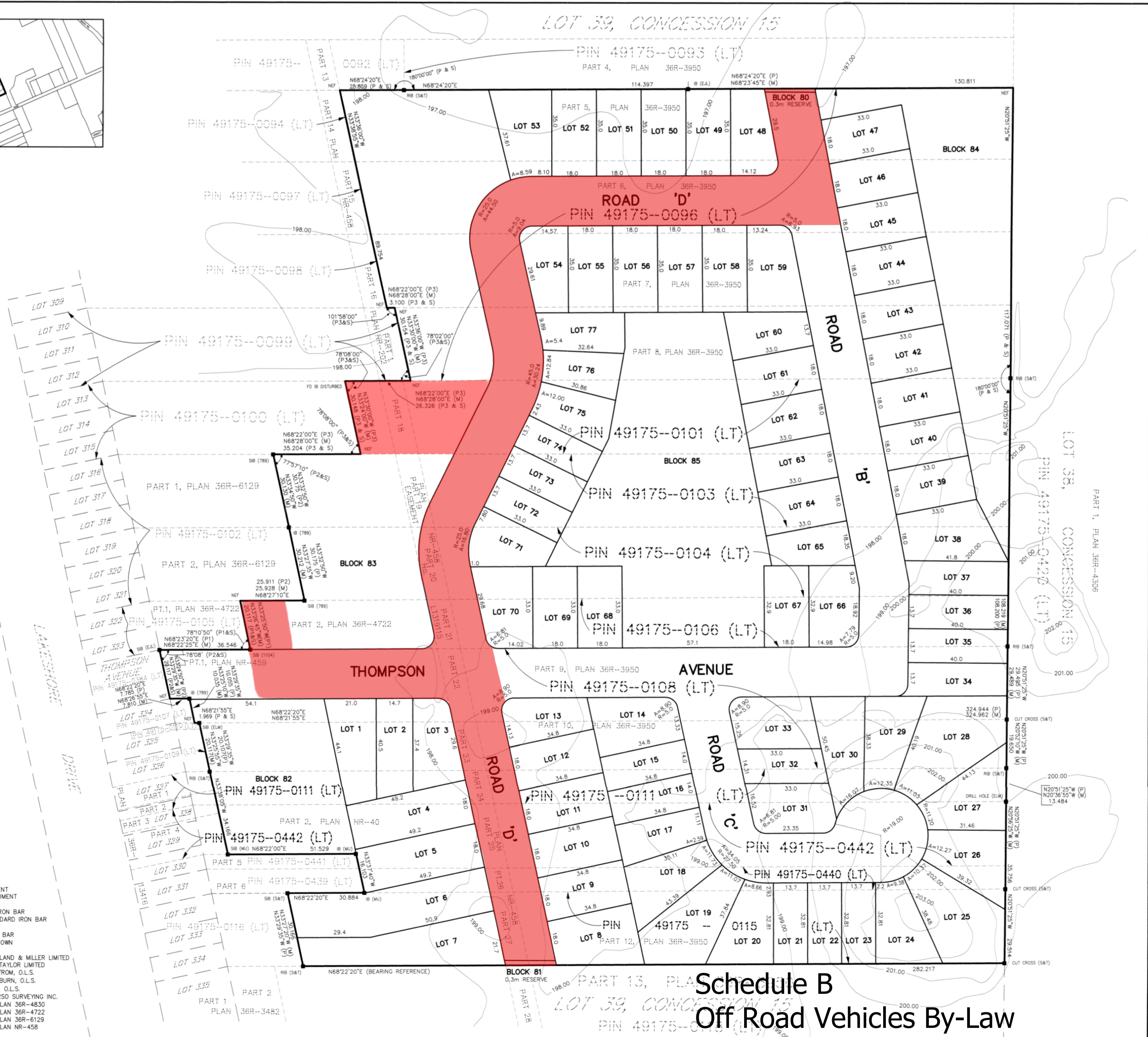
JUNE 25, 2014  
 NORTH BAY, ONTARIO

NU-NORTH DEVELOPMENTS LTD., DOOLEY RICCI  
 I HAVE THE AUTHORITY TO BIND THE CORPORATION  
 REGISTERED OWNER OF PIN 49175-0096 (LT), PIN 49175-0101 (LT)  
 PIN 49175-0103 (LT), PIN 49175-0104 (LT), PIN 49175-0106 (LT)  
 PIN 49175-0108 (LT), PIN 49175-0111 (LT), PIN 49175-0115 (LT)  
 PIN 49175-0440 (LT) AND PIN 49175-0442 (LT)

**LEGEND**

- DENOTES SET MONUMENT
- DENOTES FOUND MONUMENT
- M DENOTES MEASURED
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES SHORT STANDARD IRON BAR
- SIB DENOTES IRON BAR
- IB DENOTES ROUND IRON BAR
- OU DENOTES ORIGIN UNKNOWN
- WT DENOTES WITNESS
- 789 DENOTES CLARKE DORLAND & MILLER LIMITED
- S&T DENOTES SIMPSON & TAYLOR LIMITED
- E.L. DENOTES E. J. LACKSTROM, O.L.S.
- 1104 DENOTES P. A. BLACKBURN, O.L.S.
- ELM DENOTES E. L. MOORE, O.L.S.
- MU DENOTES MILLER & URSO SURVEYING INC.
- P DENOTES DEPOSITED PLAN 36R-4830
- P1 DENOTES DEPOSITED PLAN 36R-4722
- P2 DENOTES DEPOSITED PLAN 36R-6129
- P3 DENOTES DEPOSITED PLAN NR-458

**Miller & Urso Surveying Inc.**  
 Ontario Land Surveyors • Canada Land Surveyors  
 Project Managers • Planning Consultants  
 1501 SEYMOUR STREET NORTH BAY ON P1A 0C5  
 TEL: (705) 474-1210 FAX: (705) 474-1783  
 EMAIL: rmiller@musurveying.ca



**Schedule B**  
**Off Road Vehicles By-Law**