

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NO. 21-2016

BEING A BY-LAW TO PERMIT ALL-TERRAIN VEHICLES ON MUNICIPAL ROADS

WHEREAS the Highway Traffic Act, R.S.O. 1990, Section 191.8, subsection (3), chapter H.8, as amended, provides that the Council of a municipality may pass by-laws;

- a) Permitting the operation of off-road vehicles, with three or more wheels and low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality or on any part or parts of such highways;
- b) Prescribing a lower rate of speed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction, or any part or parts of such highway;

NOW THEREFORE the Council of the Corporation of the Township of East Garafraxa enacts as follows:

1. **Definitions:**

"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 footrests for the passenger that are separate from the footrests for the driver.

"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;
- 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 centimeters.

"Municipality" means the Corporation of the Township of East Garafraxa.

"Highway" includes any open and maintained road allowance under the sole jurisdiction of the Corporation of the Township of East Garafraxa, including 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.

"Settlement Areas" shall mean the communities of Marsville and Orton.

"Built Up Areas" shall mean any estate subdivision.

"Low Pressure Bearing Tires" means a wide, balloon-type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressure of no greater than 70KPA (10psi)

"Off Road Vehicle" means an off-road vehicle within the meaning of the Off-Road Vehicles Act, as amended.

"Seat Belt Assembly" means an off-road vehicle within the meaning of the Off-Road Vehicles Act, as amended/

II. **General Regulations of All-Terrain Vehicles on Highways:**

1. An All-Terrain Vehicle shall not be operated on highways unless it meets the equipment requirements of Section 7 to 15 of O. Reg. 316/03 and it is operated in accordance with Sections 16 to 24 of O.Reg 316/03 made under the Highway Traffic Act.
2. The All-Terrain Vehicle shall not be driven at a rate of speed greater than:
 - a) 20 kilometres per hour, if the speed limit established under the Highway Traffic Act or by Municipal By-law for that part of the highway is not greater than 50 kilometres per hour, or
 - b) 50 kilometres per hour, if the speed limit established under the Highway Traffic or by Municipal By-law for that part of the highway is greater than 50 kilometers per hour.
3. Off-Road Vehicles with four wheels and low pressure bearing tires shall be permitted on all municipal roads within the Township of East Garafraxa under and in accordance with Ontario Regulation 316/03 made under the Highway Traffic Act and the Off Roads Vehicles Act as amended.
4. No person shall park or ride an all terrain vehicle on any sidewalk within the Township of East Garafraxa, on Township owned lands, and in built up areas/settlements areas.
5. No person shall operate an all terrain vehicle except between one half hour after sunrise to one half hour before sunset.
6. No person shall operate an All-Terrain Vehicle in such a manner as to disturb or distort the natural environment including fish habitats, property and any flora or fauna.
7. Any person who contravenes any of the provision of this By-law is guilty of an offence and upon conviction is liable to a fine provided for under the Highway Traffic Act and/or the Provincial Offences Act.
8. The exemptions set out in Ontario Regulation 316/03 and Ontario Regulation 135/15, as amended from time to time, regarding the operation of off-road vehicles on highways shall apply to this By-Law and the permission granted thereunder.
9. If a court of competent jurisdiction declares any provision, or part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of council in enacting this by-law that each and every provision of this by-law authorized by-law be applied and enforced in accordance with its terms and to the extent possible according to the law.
10. The provisions of the by-law shall come into force and take effect on the final passing hereof.

BY-LAW READ A FIRST AND SECOND TIME THIS 13TH DAY OF SEPTEMBER 2016

BY-LAW READ A THIRD TIME AND PASSED THIS 13TH DAY OF SEPTEMBER 2016



Susan M Stone, Clerk



Guy Gardhouse, Mayor