

# THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT

## BY-LAW NO. 61-2015

**A BY-LAW of the Corporation of the Township of North Stormont to Regulate the Operation of All-Terrain Vehicles on all Municipally Owned Roads within the Township of North Stormont and to Repeal By-Law No. 48-2015.**

**Whereas**, Sections 8(1) and 9 of the Municipal Act, 2001, S.O. 2001, c. 25 (as amended) provide that the powers of a municipality shall be interpreted broadly so as to enable the Municipality to govern its affairs as it considers appropriate and to respond to issues; and

**Whereas**, Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, c. H.8 (as amended) authorizes Council to pass a by-law permitting the operation of Off-Road Vehicles on any roadway that is under the jurisdiction of the Municipality or on any part or parts of such a roadway; and

**Whereas** By-laws No. 48-2015 was passed on September 1, 2015, by the Council of the Corporation of the Township of North Stormont for this purpose; and

**Whereas**, Council of the Township of North Stormont deems it expedient and necessary to permit Off-Road Vehicles to be driven on all municipally owned roads under the jurisdiction of the Township of North Stormont;

**Now therefore,**

**The Council of The Corporation of the Township of North Stormont enacts as follows:**

### **1.0 Definitions**

- 1.1 **“All-Terrain Vehicle” or “ATV”** 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 designated 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 the foot rests for the passenger that are separate from the foot rests for the driver.
- 1.2 **“Highway”** includes a 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.
- 1.3 **“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.



1.4 “**Off-Road Vehicle**” has the same meaning as in the Off-Road Vehicles Act, R.S.O. 1990, c. O.4 (as amended) and for the purposes of this by-law and Sections 2.0 and 3.0 is limited to:

- a) All-Terrain Vehicles
- b) Multi-Purpose Off-Highway Utility Vehicles, and
- c) Recreational Off-Highway Vehicles.

1.5 “**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.

## **2.0 Permitted Roadways**

2.1 The operation of Off-Road Vehicles shall be permitted upon all roadway under the jurisdiction of the Township of North Stormont and in accordance with Ontario Regulation 316/03 of the Highway Traffic Act (as amended), the Off-Road Vehicles Act (as amended), and in accordance with the provisions of this by-law.

2.2 The operation of ATV units shall be permitted only during the hours specified in Schedule “A”.

2.3 Off-Road Vehicles are not permitted on municipal property, including but not limited to any park that is under the jurisdiction of the Township of North Stormont, or on any sidewalk and road within the boundaries and confines of the Villages, Hamlets and Built-up Settlement Areas within the Township of North Stormont.

2.4 All-Terrain Vehicles (ATV) shall be permitted on all municipal roads within the Township of North Stormont under the jurisdiction of the Municipality of the Township of North Stormont. This authority shall not extend to highways under the jurisdiction of the United Counties of Stormont, Dundas and Glengarry or Provincially controlled roadways unless permitted through the *Highway Traffic Act*, and Ontario Regulation 316/03 as amended.

## **3.0 Regulations**

3.1 A permitted Off-Road Vehicle shall not be operated on a roadway unless it meets the requirements of Sections 7 to 15 of Ontario Regulation 316/03 of the Highway Traffic Act (as amended) and is operated in accordance with Sections 16 to 24 of the Regulation.

3.2 Exemptions shall apply as outlined in Part IV of the Regulation.

## **4.0 Penalties**

4.1 Any person who contravenes any section of this by-law is guilty of an offence and upon conviction is liable to a fine as provided by the Provincial Offences Act, R.S.O. 1990, c. P.33 (as amended).

4.2 No person shall interfere or obstruct an officer carrying out duties in the enforcement of this by-law.

**THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT**

**SCHEDULE "A"**

To By-Law No. 61 -2015

All-Terrain Vehicles (ATVs) shall be permitted on municipal roads within the Township of North Stormont under the jurisdiction of the Township of North Stormont during the following periods:

- One half ( $\frac{1}{2}$ ) hour before sunrise to one half ( $\frac{1}{2}$ ) hour after sunset

## **5.0 Severability**

- 5.1 If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- 5.2 Nothing in this By-law relieves any person from complying with any provisions of any Federal or Provincial legislation or any other By-law of the Township.

## **6.0 Effective Date and Review**

- 6.1 In the event of any conflict between any provisions of this by-law and any other by-law hereto are passed; the provisions of this by-law shall prevail.
- 6.2 That this by-law shall come into force and take effect on the day of its passing and shall remain in effect until otherwise amended or repealed.
- 6.3 That this by-law shall come into force and take effect on October 27<sup>th</sup>, 2015.

**Read a first, second and third time and finally passed this 27th day of October, 2015.**



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**Dennis Fife,  
Mayor**



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**Marc Chénier,  
CAO/Clerk**