

THE CORPORATION OF THE TOWN OF DESERONTO

BY-LAW NUMBER 21-11

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BEING A BY-LAW TO REGULATE THE OPERATION OF ALL-TERRAIN VEHICLES (ATV'S) ON MUNICIPAL HIGHWAYS WITHIN THE TOWN OF DESERONTO

WHEREAS pursuant to Section 191.8 (3) of the Highway Traffic Act, RSO 1990, c H.8, as amended, 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 under the jurisdiction of the municipality, or on any part or parts of such highway;
- b) Prescribing a lower rate of speed All-Terrain Vehicles by regulation on any highway within the municipality that is under its jurisdiction or on any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways.

AND WHEREAS the Council of the Corporation of the Town of Deseronto has deemed it appropriate to enact a by-law to permit All-Terrain Vehicles on highways under the jurisdiction of the Municipality (subject to the terms and provisions of this By-law) but to prohibit other types of Off-Road Vehicles municipal highways;

NOW THEREFORE the Municipal Council of the corporation of the Town of Deseronto ENACTS as follows:

DEFINITIONS

In this by-law,

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

- a) has three or more wheels, the tires of all of which are 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 a driver only and no passengers;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for use or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Low Pressure Bearing Tire: means a wide, balloon-type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70 kpa (10psi);

“Municipality” means the Corporation of the Town of Deseronto;

“Off-Road Vehicle: means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,

- a) on not more than three wheels; or
- b) on more than three wheels and being a prescribed class of vehicle.

REGULATION OF ALL-TERRAIN VEHICLES ON HIGHWAYS

No Off-Road Vehicle shall be operated on a highway except as provided in this by-law;

No All-Terrain Vehicle shall be permitted on any highway unless:

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An All-Terrain Vehicle shall not be operated on highways unless it meets the equipment requirements and is operated in accordance of the Off Roads Vehicle Act Section 7 to 24 of O.Reg 316/03 ;

The driver of the All-Terrain Vehicle is wearing a helmet that complies with section 19 of the Off-Road Vehicles Act, R.S.O. 1990, and c.O.4, as amended from time to time;

The All-Terrain Vehicle is being driven by one person and there are no passengers on the All-Terrain Vehicle;

The All-Terrain Vehicle shall not be driven at a rate of speed greater than,

- a) 20 kilometers per hour, if the speed limit established under the Highways Traffic Act or by Municipal By-law for that part of the highway is not greater than 50 kilometers per hours,
- or
- b) 50 kilometers per hour, if the speed limit established under the Highway Traffic Act or by Municipal by-law for that part of the highway is greater than 50 kilometers per hour.

PENALTIES

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 for in the Provincial Offences Act.

This by-law is hereby read a first, second time and finally passed this 28th day of June, 2011

MAYOR

CLERK