

# **BY-LAW NO. 40-2010**

THE CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS

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BEING a By-law to regulate the operation of All-Terrain Vehicles on Municipal Highways within the Township of Frontenac Islands.

WHEREAS, Section 191.8 (3) of the Highway Traffic Act, R.S.O. 1990, Ch 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 is under the jurisdiction of the municipality, or on any part or parts of such highway.
- b. Prescribing a lower rate of speed for off road vehicles with three or more wheels and low pressure bearing tires than that prescribed for off-road 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.

NOW THEREFORE the Council of the Township of Frontenac Islands enacts as follows:

## **1. DEFINITIONS**

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

- a) has three or more wheels, the tires of which are in contact with the ground;
- b) has steering handlebars;
- c) has a seat designed to be straddled by the driver;
- d) has headlights, tail lights, that must be on at all times;
- e) must have operating brake light;
- f) has all-terrain vehicle license plate and proof of insurance;

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 “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 pressure of not greater than 70 kps (10 psi).

## **2. REGULATION OF ALL-TERRAIN VEHICLES ON HIGHWAYS**

2.1 An all-terrain Vehicle shall not be operated on highways unless it meets the equipment requirements of Sections 7 to 15 of Ontario Regulation 316/03 and it is operated in accordance with Sections 16 to 24 of Ontario Regulation 316/03. S.6.

2.2 An all-terrain vehicle shall not be driven at a rate of speed greater than:

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

2.3 An all-terrain vehicle shall comply with the following provisions:

- a) no ATV operator shall drive an ATV on a highway without wearing a helmet that complies with Section 19 of the Off Road Vehicles Act;
- b) no ATV operator shall drive an ATV on a highway without a valid driver's licence;
- c) no ATV operator shall drive an ATV on a highway without valid insurance;
- d) no ATV operator shall drive an ATV on a highway without valid registration;

### 3. GENERAL

3.1 Operation of an all-terrain vehicle shall be permitted by By-law on the extreme right hand side of the highways under the jurisdiction of the Township of Frontenac Islands in accordance with Ontario Regulation 316/03 of the Highway Traffic Act and the Off Road Vehicles Act, as amended.

### 4. 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 for in the Provincial Offences Act.

### 5. EFFECTIVE

5.1 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 replaced.

READ a first and second time this 13th day of December, 2010.

READ a third time and finally passed this 13th day of December, 2010.

Denis Doyle, Mayor

Terry O'Shea, Clerk/CAO