

THE CORPORATION OF THE VILLAGE OF SOUTH RIVER

BY-LAW 35-2015

Being a by-law to permit the operation of certain off-road vehicles on highways under the jurisdiction of the Corporation of the Village of South River

WHEREAS subsection 191.8 (3) of the highway Traffic Act, R.S.O. 1990, as amended, authorizes the Council of a municipality to pass by-laws permitting the operation of certain 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

WHEREAS section 4.1 of Ontario Regulation 316/03, as amended, made under the said Act, permits the operation of certain off-road vehicles on municipal highways subject to specified conditions; and

WHEREAS the Council of the Corporation of the Village of South River deems it desirable and appropriate to permit the operation of certain off-road vehicles on its municipal highways pursuant to the said Act and the said Regulation; now

THEREFORE the Council of the Corporation of the Village of South River does hereby enact as follows:

1. Definitions

In this by-law:

- a. “All-terrain vehicle” means an off-road vehicle that
 - i. Has four wheels, the tires of which are all in contact with the ground
 - ii. Has steering handlebars
 - iii. Has a seat that is designed to be straddled by the driver, and
 - iv. Is designed to carry
 - 1) A driver only and no passengers, or
 - 2) 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 foot rests for the passenger that are separate from the foot rests for the driver.
- b. “low pressure bearing tires” means wide, balloon-type tires with a rounded cross section and no distinct shoulder area and that are designed to operate with inflation pressures of no greater than 70 kpa (10 psi);
- c. “multi-purpose off-highway utility vehicle” means an off-road vehicle that,
 - i. Has four or more wheels, the tires of which are all in contact with the ground,
 - ii. Has a steering wheel for steering control,
 - iii. Has seats that are not designed to be straddled, and
 - iv. Has a minimum cargo capacity of 159 kilograms.
- d. “off-road vehicle” means an off-road vehicle within the meaning of the Off-Road Vehicles Act, R.S.O. 1990, as amended;
- e. “recreational off-highway vehicle” means an off-road vehicle that,
 - i. Has four or more wheels, the tires of which are all in contact with the ground,

- ii. Has a steering wheel for steering control
 - iii. Has seats that are not designed to be straddled, and
 - iv. Has an engine displacement equal to or less than 1,000 cubic centimeters;
- f. “utility task vehicle” means an off-road vehicle that
- i. Is designed for utility applications or uses on all terrains
 - ii. Has four or more wheels
 - iii. Has a seat that is not designed to be straddled by the driver, and
 - iv. Is designed to carry a driver and one or more passengers)”auto quad”).
 - v.
- g. “Village” shall mean the Corporation of the Village of South River

2. Operating an Off-Road Vehicle

- a. No person shall drive an off-road vehicle on a highway or part of a highway under the jurisdiction of the Corporation of the Village of South River unless:
 - i. The off-road vehicle is an all-terrain vehicle, a multi-purpose off-highway utility vehicle, a recreational off-highway vehicle or a utility task vehicle each of which has low pressure bearing tires, and
 - ii. The requirements of Part III of Regulation 316/03, as amended, are met.
- b. No person shall drive an off-road vehicle on a municipal highway as permitted by this By-law at a rate of speed greater than,
 - i. 20 kilometers per hour, if the speed limit established under the Highway Traffic Act or a municipal by-law for that part of the highway is not greater than 50 kilometers per hour.
- c. No person shall drive an off-road vehicle on a municipal highway as permitted by this By-law at a rate of speed greater than
 - ii. 20 kilometers per hour, if the speed limit established under the Highway Traffic Act or a municipal by-law for that part of the highway is not greater than 50 kilometers per hour, or
 - iii. 50 kilometers per hour, if the speed limit established under the Highway Traffic Act or a municipal by-law for that part of the highway is greater than 50 kilometers per hour.
- d. No person shall drive an off-road vehicle on the following areas:
 - i. On private property unless the owner of the property permits the operation of the off-road vehicle,
 - ii. On any property of the Corporation of the Village of South River, other than a highway as permitted by this by-law or a municipal parking area, without the permission of the Village,
 - iii. On any municipally-owned playground or parkland without written consent of the Village or unless the area is specifically identified as an ATV trail.
- e. All riders, including drivers and passengers of all ages, shall wear a helmet and use a seatbelt or footrests, where applicable.
- f. This By-law does not prohibit a person from driving an off-road vehicle on any municipal highway as permitted by Part IV of Regulation 316/03, as amended, or as permitted by clause 2(2)(a) of the Off-Road Vehicles Act, as amended.

- g. Any person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and subject to the fines and other penalties as prescribed by law.
- h. This By-law shall come into force and take effect upon third and final reading and upon this By-law taking effect By-law 22-2004 passed July 12, 2004 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 28th DAY OF SEPTEMBER, 2015.

Jim Coleman, Mayor

Susan L. Arnold, Clerk Administrator