

**THE CORPORATION OF THE TOWNSHIP OF ATHENS**

**BY-LAW #2009-06**

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**BEING A BY-LAW TO REGULATE THE OPERATION OF ALL TERRAIN  
VEHICLES ON MUNICIPAL ROADS WITHIN THE JURISDICTION OF THE  
TOWNSHIP OF ATHENS**

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**WHEREAS** the Highway Traffic Act R.S.O. 1990, Section 191.8(1) Chapter H.8 as amended, states that no person shall drive an off-road vehicle on a highway except in accordance with the regulations and any applicable municipal by-laws:

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

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

**NOW THEREFORE** Council of the Corporation of the Township of Athens enacts as follows:

1. Definitions

1.1 “All Terrain Vehicles” shall mean an off-road vehicle that:

- (a) has four wheels, the tires 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;
- (e) has headlights, tail lights, that must be on at all times;
- (f) must have operating brake light.
- (g) has all terrain vehicle license plate and insurance.
- (h) must have a minimum of one mirror that must be mounted on the left side of the all terrain vehicle to allow the driver to see traffic approaching from the rear;

1.2 “Highway” shall include a common and public highway, street, avenue, parkway and driveway, any part of which is intended for use or used by the general public for the passage of vehicles under the jurisdiction of the Township of Athens and includes the area between the lateral property lines thereof.

1.3 “Low Pressure Bearing Tire” shall mean a wide, balloon type tire with a rounded cross sections and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70 kpa (10 psi).

1.4 “Off Road Vehicle” shall mean an off-road vehicle within the meaning of the Of Road Vehicles Act, O. Reg. 316/03, S.1.

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 Section 7 to 15 of O. Reg. 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 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;
- (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 kilometres per hour.

2.3 An All Terrain Vehicle shall comply with the following provisions:

- (a) No driver of an ATV shall drive on a Municipal road without wearing an approved helmet.
- (b) No driver of an ATV shall operate such vehicle or any Municipal road without a valid driver's licence.
- (c) No driver of an ATV shall carry any passenger while operating on a Municipal road.
- (d) No driver of an ATV shall operate without valid insurance coverage on said vehicle on any Municipal road.
- (e) No driver of an ATV shall operate on any Municipal road without licensing such vehicle.
- (f) Driver must operate the ATV in the same direction as traffic.
- (g) All ATV's shall travel on shoulder of road, but may operate on road if shoulder is not safe.
- (h) No person shall change or alter the exhaust system of an ATV to exceed the manufacturer's recommended decibel level.

### 3 General

- 3.1 Operation of all terrain vehicles shall be permitted, by by-law upon all highways under the jurisdiction of the Township of Athens.
- 3.2 Operation of all terrain vehicles shall be permitted on the extreme right hand side of the highway road surface only and in accordance with Regulation 316/03 of the Highway Traffic Act and the Off Road Vehicles Act, as amended.
- 3.3 All terrain vehicles are restricted to the parking areas only of any municipal park.

### 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. That this by-law shall come into force and take effect upon the final passing thereof.

**READ A FIRST AND SECOND TIME THIS 2nd DAY OF FEBRUARY 2009.**

**READ A THIRD TIME AND FINALLY PASSED THIS 2<sup>ND</sup> DAY OF FEBRUARY 2009.**

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**MAYOR**

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**CLERK**