

THE CORPORATION OF THE TOWNSHIP OF TERRACE BAY

BY-LAW NO. 38 -2010

Being A By-Law To Regulate The Use of All Terrain Vehicles (ATVs)
On Municipal Highways

WHEREAS pursuant to Section 191.8 (3) of the Highway Traffic Act, R. S. O. 1990 c.8, amended, the Council of a municipality may pass Bylaws permitting the operation and regulating the rate of speed of Off Road vehicles on any Highway part or parts of such Highway;

AND WHEREAS pursuant to section 191.8 (4) of the Highway Traffic Act, R. S. O. 1990, c.8, as amended, a Bylaw passed under subsection 191.8 (3) of the Highway Traffic Act may permit the operation of Off Road Vehicles an any Highway or on any part or parts of Highway only during specified months or hours;

AND WHEREAS Ontario regulation 316/03 applies to the operation of Off Road Vehicles on Highways;

AND WHEREAS the Council of the Township of Terrace Bay deems it expedient to Pass a Bylaw to regulate the operation of Off Road Vehicles on Highways under the Jurisdiction of the municipality;

NOW THEREFORE the Council of the Corporation of the Terrace Bay enacts as follows;

PART 1 – SHORT TITLE

1.1 This bylaw may be cited for all purposes as "Township of Terrace Bay All Terrain Vehicle Bylaw.

PART 2 – DEFINITIONS

In this Bylaw,

2.1 "All-Terrain Vehicle" means an Off Road vehicle that;

- (a) has four 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;
- (d) is designed to carry a driver only and no passengers;
- (e) has headlights and tail lights that must be on at all times;
- (f) must have operating brake lights;
- (g) has an All Terrain Vehicle licence plate and valid insurance;

2.2 "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 ;

2.3 "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 pressures of no greater then seventy kilopascals (70kpa) or ten pounds per square inch (10psi)

2.4 "Municipality" means the Corporation of the Township of Terrace Bay.

2.5 "Off Road Vehicle" means an Off Road Vehicle within the meaning of the Off Road Vehicles Act O. Reg. 316/03, s.1.

2.6 "the Off Road Vehicles Act" means the Off Road Vehicle Act as amended, and regulations there to;

PART 3 – GENERAL

- 3.1 Off Road Vehicles shall not be permitted to operate on Highways within The municipality except as provided in this bylaw or under the Highway Traffic Act and regulations made there under.
- 3.2 All applicable provisions of the Highway Traffic Act, R. S. O. 1990 as Amended and Ontario Regulation 316/03 as amended shall apply to the operation of Off Road Vehicles on any Highway within the municipality.

PART 4 – REGULATION OF ALL TERRAIN VEHICLES ON HIGHWAYS

- 4.1 An All Terrain Vehicle shall not be operated on any Highway within the Municipality 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.
- 4.2 In accordance with Section 22 of the Highway Act – O. Reg. 316/03, no person shall operate an All Terrain Vehicle at a greater rate of speed than twenty kilometres per hour (20 km/h) upon any Highway of service roadway or part thereof within the municipality.
- 4.3 Operation of All Terrain Vehicles shall be permitted on the extreme right hand side of the Highway road service only in accordance with Regulation 316/03 of the Highway Traffic Act and the Off Road Vehicle Act as amended.
- 4.4 No person shall operate an All-Terrain Vehicle over or upon the following areas:
- (a) on any private property without consent of the owner.
 - (b) on any municipal public property, other than established trail systems, without the explicit written consent of the municipality.
 - (c) on any municipal side walks or walking black paths
 - (d) on the municipal road Simcoe Plaza
- 4.5 All Terrain Vehicles shall only be operated on Highways from the hour of 7:00am (0700h) to 11:00pm (2300) on any day.
- 4.6 Operation and use of All Terrain Vehicles must be in accordance with Bylaw 369 (commonly known as the Noise Control Bylaw)
- 4.7 This bylaw does not pertain to emergency services employees or employees of the Township of Terrace Bay while on duty.

PART 5 – PENALTIES

- 5.1 Any person who contravenes any section of this bylaw is guilty of an Offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

PART 6 – VALIDITY

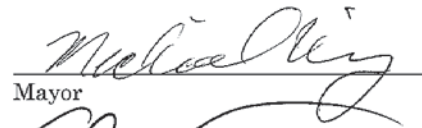
- 6.1 If any section, clause or provision of this bylaw is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the bylaw as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the bylaw shall remain in full force and effect until repealed notwithstanding that one or more provisions thereof shall have been declared to be invalid.


PART 7 – EFFECTIVE DATE

- 7.1 This bylaw shall become effective upon the date of enactment.
- 7.2 Where any bylaw passes prior to this bylaw conflicts with this bylaw the Terms of this bylaw shall prevail.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
19TH DAY OF JULY, 2010.




Mayor


Chief Administrative Officer/Clerk