

CORPORATION OF THE TOWNSHIP OF MCKELLAR

BY-LAW NO. 2015-31

Being a By-law to permit the operation of “All-Terrain Vehicles”
(ATV’s) on highways under the jurisdiction of the Township of McKellar

WHEREAS the Highway Traffic Act, R.S.O. 1990, Section 191.8, Chapter H8, as amended, authorizes the Council of a municipality to pass by-laws permitting the operation of 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 the Highway Traffic Act, R.S.O. 1990, c. H8, Ontario Regulation 316/03 defines “off-road vehicle” and provides the regulations governing the operation of off-road vehicles upon highways within municipalities;

AND WHEREAS the Council of the Corporation of the Township of McKellar deems it advisable to regulate the operation of *All-Terrain Vehicles*, being a class of Off-Road Vehicle as defined in Section 1 of Ontario Regulation 316/03, on highways within the jurisdiction of the municipality, or on any part or parts of such highways;

NOW THEREFORE the Council of the Corporation of the Township of McKellar enacts as a By-law of the Corporation as follows:

1. In this By-law:

- (a) “All-Terrain Vehicle” means an off-road vehicle that,
 - (i) has four wheels, the tires of all of which are 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,
 - (i) a driver only and no passengers, or
 - (ii) 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) “Highway” means a common and public highway, street, road, avenue, laneway or bridge, any part of which is actually used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- (c) “Low Pressure Bearing Tires” 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 no greater than 70KPA (10 psi).
- (d) “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;
- (e) "Off-Road Vehicle" means an off-road vehicle within the meaning of the *Off-Road Vehicles Act*, R.S.O. 1990;
- (f) “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 1000 cubic centimetres;

- (g) “Seat belt assembly” means a device or assembly composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person;
- 2. For the purpose of expediency in the remainder of this by-law, the term *All-Terrain Vehicle* includes all vehicles that fall under the definition of *All-Terrain Vehicle, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle* contained in Section 1 of this By-law.
- 3. All-Terrain Vehicles with four wheels and low pressure bearing tires are permitted to be operated on the traveled portion, including the shoulder, of any highway within the municipality that is under the jurisdiction of the Township of McKellar, unless prohibited by another specific by-law.
- 4. 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.
- 5. The 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; or
 - (b) 50 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 greater than 50 kilometres per hour.
- 6. 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 All-Terrain Vehicles on highways.
- 7. No person shall operate an All-Terrain Vehicle:
 - a) Over or upon the following areas, with the exception of recognized parking areas:
 - (i) Community Centre baseball diamond, outdoor rink area, park and playground, 701 Highway #124
 - (ii) Minerva’s Mill Pond , 677 Highway #124
 - (iii) Stewart Park Beach Area with the exception of the recognized winter traveled trail, 14 Stewart Park
 - (iv) South Park Baseball diamond, park and playground, 4 Blackwater Road
 - (v) Maplewood Beach, 2 Silver Birch Circle
 - (vi) All municipal designated trails, unless the trail specifically allows All-Terrain Vehicles as an allowable user.
 - (vii) On any private property without consent of the owner
 - (viii) On any municipal public property with out the consent of the municipality
 - b) On any sidewalk within the Township of McKellar.
- 8. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
- 8. Any person operating an All Terrain Vehicle in contravention of this by-law shall be guilty of an offence and subject to the penalties provided by law.
- 9. This by-law shall be enforced by both the By-law Enforcement Officer and the local Ontario Provincial Police who shall be designated as an agent under the Trespass To Property Act.

- 10. By-law No. 2004-06 is hereby repealed.
- 11. This by-law shall come into force and take effect upon third and final reading.

READ a **FIRST** and **SECOND** time this 10th day of August, 2015.

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Reeve	Clerk

READ a **THIRD** time and **PASSED** in **OPEN COUNCIL** this 10th day of August , 2015.

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Reeve
“original signed”
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Clerk