

SOUTH FRONTENAC TOWNSHIP

BY-LAW 2006-34

A BY-LAW TO REGULATE THE OPERATION OF ALL TERRAIN VEHICLES ON MUNICIPAL HIGHWAYS WITHIN THE TOWNSHIP OF SOUTH FRONTENAC.

WHEREAS Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, Ch. 8, as amended, provides that a municipality may pass by-laws:

- i) 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 or parts of such highway;
- ii) 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 THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC, BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:

1. Definitions.

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

- (a) has four wheels, the tires 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.

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 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 Off 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 Sections 7 to 15 of O. Reg. 316/03 and is operated in accordance with Sections 16 to 24 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 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 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 for that part of the highway is greater than 50 kilometers per hour.

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

- (a) No driver of an ATV vehicle shall drive on a Municipal road without wearing an approved helmet.
- (c) No driver of an ATV vehicle shall operate such vehicle on any Municipal road without a valid driver's license.
- (c) No driver of an ATV vehicle shall carry any passenger while operating on any Municipal road.
- (d) No driver of an ATV vehicle shall operate without valid insurance coverage on said vehicle on any Municipal road covered by this by-law.
- (e) No driver of an ATV vehicle shall operate on any Municipal road covered by this by-law without licensing such vehicle.
- (f) Driver must operate ATV in same direction as traffic.
- (g) All ATV's shall travel on shoulder of road, but may operate on road if shoulder is not safe.

3. General

3.1 Operation of all terrain vehicles shall be permitted, by by-law, upon all highways under the jurisdiction of the Corporation of the Township of South Frontenac.

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.

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. Validity

If any section, clause or provision of this By-Law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law 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 By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

6. That this by-law shall come into force and take effect immediately upon the passing thereof by the Council of the Township of South Frontenac.

Dated at the Township of South Frontenac this 4th day of April 2006.

Read a first and second time this 4th day of April 2006.

Read a third time and finally passed this 4th day of April 2006.

**The Corporation of the
Township of South Frontenac**

Bill Lake, Mayor

Gordon Burns, Clerk-Administrator