

**CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS**  
**BY-LAW #2004-34**

**Being a by-law to authorize the operation of off-road vehicles within the Town of Smooth Rock Falls**

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**WHEREAS** Subsection 3 of Section 191.8 of the *Highway Traffic Act*, R.S.O. 1990, c. H8, provides that the Council of a municipality may pass by-laws permitting the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway within 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 an “all terrain vehicle” and provides the regulations governing the operation of all terrain vehicles upon highway within municipalities.

**AND WHEREAS** Section 11(1), Item I., of the Municipal Act, 2001, S.O. 201, c.25 as amended, provides that a single tier municipality may pass by-laws respecting highways, including parking and traffic on highways;

**AND WHEREAS** Section 425 of the Municipal Act, 2001, S.O.2001, c.25 as amended, provides that any person who contravenes any by-law of the municipality passed under this Act, is guilty of an offence;

**AND WHEREAS** the Municipal Council of the Corporation of the Town of Smooth Rock Falls deems it necessary to develop detailed off-road vehicle safety regulations that allow off-road vehicles to have increased access to highways in the municipality under safe circumstances.

**NOW THEREFORE** the Municipal Council of the Corporation of the Town of Smooth Rock Falls enacts as follows:

1.     **Definitions**

“All Terrain Vehicle” means an off-road vehicle that,

- a)     has three or 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, and
- d)     is designed to carry a driver only and no passengers, Ontario Regulation 316/03, Part 1, Section I.

“ATV’s” shall mean All-Terrain Vehicles.

“Highway” shall mean a common and public highways, street, avenue, crescent, driveway, 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.

“Low Pressure Bearing Tire” shall mean 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 than 70 kpa (10 psi).

“ Municipality” shall mean the Corporation of the Town of Smooth Rock Falls.

“Permit” means a permit issued under Section 5, of the Off-Road Vehicles Act, R.S.O. 1990, c.04, consisting of a vehicle portion and a plate portion.

## 2. **Prohibitions for All-Terrain Vehicles**

The authority to drive an All-Terrain Vehicle on highways under the jurisdiction of the Town of Smooth Rock Falls does not include:

- i) any sidewalk, footpath or other area meant solely for pedestrian traffic;
- ii) any lands within a municipal park and cemeteries;
- iii) private roads or driveways without the consent of the owner thereof;
- iv) any highway falling under the jurisdiction of the Province of Ontario or any other government authority;

## 3. **Equipment**

- i) Despite subsection 62(1) of the Act, the all terrain vehicle must be equipped with one or two lamps that emit a white light on the front of the vehicle and one or two lamps that emit a red light at the rear of the vehicle.
- ii) The all-terrain vehicle must be equipped with one yellow reflex reflector on each side of the vehicle at the front.
- iii) The all-terrain vehicle must be equipped with one red reflex reflector on each side at the rear.
- iv) The all-terrain vehicle must be equipped with one or two red reflex reflectors on the rear.

## 4. **Operating Requirements**

- i) The all terrain vehicle shall be operated under the authority of a permit issued under section 5 of the *Off Road Vehicles Act* and a number plate showing the number of the permit shall be displayed on the vehicle as required under that Act.

- ii) The All-Terrain Vehicle shall be insured in accordance with section 2 of the *Compulsory Automobile Insurance Act* and section 15 of the *Off Road Vehicles Act*.
- iii) The driver of the all-terrain vehicle shall hold a valid Class A, B, C, D, E, F, G, GS, M or M2 driver's licence issued under the Act unless he or she is exempt, under section 34 of the Act, from the application of section 32 of the Act.
- iv) The driver of the all-terrain vehicle shall wear a helmet that complies with section 19 of the Off-Road Vehicles Act.

5. **Maximum Speed**

The all-terrain vehicle shall not be driven at a rate of speed greater than 50 kilometers per hour on all municipal highways unless otherwise posted.

6. **Rules of the Road**

- i) The all-terrain vehicle shall be driven in the same direction as the traffic using the same side of the highway.
- ii) The all-terrain vehicle shall not overtake and pass any moving motor vehicle or motorized snow vehicle at any time and under no circumstances.

7. **Parking**

The all-terrain vehicle shall be subject to all regulations and by-laws governing the parking of vehicles within the municipality.

8. **Penalty**

Any person who contravenes any of the provisions 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.

9. **Trial Period**

That this by-law be reviewed in November 2005.

**READ** a second and third time and passed in open council this 13<sup>th</sup> day of December 2004.

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**MAYOR**

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**CLERK**