



## **OFFICE CONSOLIDATION**

### **BY-LAW 55-2004**

#### **A By-Law to regulate the operation of Off-Road Vehicles on municipal highways within the Municipality of South Huron**

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of the Council of the Municipality of South Huron

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## **BY-LAW 55-2004**

### **“Being a by-law to regulate the operation of Off-Road Vehicles (ATVs) on municipal highways within the Municipality of South Huron”**

**WHEREAS** Pursuant to Section 191.8 (3) of the Highway Traffic Act, R.S.O. 1990, c H.8, as amended, the Council of a municipality may pass by-laws, (a) permitting the operation of off-road vehicles with three or more wheels and 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, (b) prescribing a lower rate of speed for Off-Road 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;

**AND WHEREAS** Section 191.8 (4) allows Municipalities to specify the months and hours that off-road vehicles may operate;

**AND WHEREAS** any by-law passed by a municipality must conform to Ontario Regulation 316-03 as outlined in Section 4 (1), Section 4 (2) and Item # 48 of Schedule “B” and Subsection (1) of Section 191.8 of the Highway Traffic Act;

**AND WHEREAS** pursuant to Ontario Regulation 316-03, only ATVs, which meet the Motor Vehicle Safety Regulations outlined in Section 9, would be allowed to access municipal highways;

**NOW THEREFORE, COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF SOUTH HURON ENACTS AS FOLLOWS:**

#### **I. DEFINITIONS**

In this by-law,

"All-Terrain Vehicle (ATV)" means an off-road vehicle that conforms to the definition of an ATV within O.Reg.316-03 and, (a) has four wheels, the tires are low pressure bearing and 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.

"Highway" includes any open road allowance under the jurisdiction of the Corporation of the Municipality of South Huron including a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, 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.

"Urban Area" means any area in the Municipality of South Huron where the highway speed limit is 50 km/hr or less.

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

## **II. GENERAL**

The operation of ATVs shall be permitted upon the highways under the jurisdiction of the Municipality of South Huron and in accordance with Ontario Regulation 316/03 of the Highway Traffic Act, the Off Roads Vehicles Act, and in accordance with the provisions of this By-law.

## **III. REGULATION OF OFF-ROAD VEHICLES (ATVs) ON HIGHWAYS**

1. An ATV shall not be operated on highways unless it meets the equipment requirements of Section 7 to 15 of O.Reg 316/03 and it is operated in accordance with sections 16 to 24 of O.Reg 316/03, s.6.
2. An ATV 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, or
  - (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.
3. In any urban area, an ATV shall only be operated on highways from the hour of 6:00 a.m. to 10:00 p.m. on any day.

## **IV. PENALTIES**

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.

**V. EFFECTIVE**

This by-law shall come into force and take effect on the day of its passing and shall remain in effect until otherwise amended or repealed.

Read a First and Second Time

September 20, 2004

Read a Third Time and Finally Passed

October 4, 2004

Original Signed By:

Robert Morley, Mayor  
Sandra Strang, Clerk