

THE CORPORATION OF THE TOWNSHIP OF MACDONALD, MEREDITH & ABERDEEN ADDITIONAL

BY-LAW #15-1906

**BEING A BY-LAW TO PERMIT THE OPERATION OF OFF ROAD VEHICLES ON HIGHWAYS WITHIN THE TOWNSHIP OF
MACDONALD, MEREDITH & ABERDEEN ADDITIONAL THAT IS UNDER THE JURISDICTION OF THE TOWNSHIP OF
MACDONALD, MEREDITH & ABERDEEN ADDITIONAL**

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 Municipal Council of the Township of Macdonald, Meredith & Aberdeen Additional deems it advisable to regulate the operation of all Off-Road Vehicles as defined in Section 1 of Ontario Regulation 316/03 on highways within the jurisdiction of the Township of Macdonald, Meredith & Aberdeen Additional, or on any part or parts of such highways.

NOW THEREFOR the Council of The Corporation of the Township of Macdonald, Meredith & Aberdeen Additional enacts 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.
- (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 (10psi).
- (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 Ontario Regulation 316/03. S. 1.
- (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 centimeters;
- (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. An Off-Road Vehicle shall not be operated on highways unless it meets the equipment requirements of Section 7 to 15 of Ontario Regulation 316/03 and it is operated in accordance with Section 16 to 24 of Ontario Regulation 316/03, S. 6.,
3. An Off-Road 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; 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.
4. 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 highways.
5. The operation of Off-Road Vehicles, meaning an all-terrain, a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle shall be permitted on any highway within the Township of Macdonald, Meredith & Aberdeen Additional under the jurisdiction of the Township of Macdonald, Meredith & Aberdeen Additional in accordance with Ontario Regulation 316/03 of the Highway Traffic Act and any amendments thereto.
6. 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 remain in force.
7. Any person operating an Off-Road Vehicle in contravention of this by-law shall be guilty of an offence and subject to the penalties provided by law.
8. The penalties provided under the Highway Traffic Act shall apply to offences with respect to this by-law and shall be enforced by the local Ontario Provincial Police.
9. By-law #03-1413 is hereby repealed.
10. This by-law shall come into force and take effect upon third and final reading.

READ a first and second time this 1st day of September 2015.

READ a third time and passed in open Council this 15th day of September 2015.

MAYOR

CLERK ADMINISTRATOR