

ATV By-Law

THE CORPORATION OF THE TOWNSHIP OF BLACK RIVER MATHESON

BY-LAW NO. 09-2004

BEING A BY-LAW TO REGULATE THE USE OF OFF ROAD VEHICLES WITHIN THE TOWNSHIP OF BLACK RIVER-MATHESON.

WHEREAS the Highway Traffic Act, R.S.O. 1990, Section 191.8, subsection (3), Chapter H. 8, as amended, provides that the Council of a municipality may pass bylaws permitting the operation of off-road vehicles within the municipality that is under the jurisdiction of the municipality or on any part or parts of such highways:

AND WHEREAS the Council of the Township of Black River-Matheson deems it in the best public interest to regulate, govern or prohibit the operation of off road vehicles within the Municipality.

NOW THEREFORE the Council of the Township of Black River-Matheson enacts as follows:

DEFINITIONS

For the purpose of this by-law the following definitions shall apply:

- COUNCIL means the Council of the Corporation of the Township of Black River-Matheson.
- HIGHWAY includes a common and public highway, street, avenue, parkway, laneway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles.
- MUNICIPALITY means the Corporation of the Township of Black River-Matheson
- MUNICIPAL BY-LAW ENFORCEMENT OFFICER means the By-law Enforcement Officer who will be responsible for administration of this by-law.
- OFF ROAD VEHICLES (ORV) means a vehicle that has four wheels and low pressure bearing tires which are all in contact with the ground, has steering handlebars, has a seat that is designed to be straddled by the driver, meets requirements of federal Motor Vehicle Safety Act (MVSA) and American National Standards Institute (ANSI standard), and is designed to carry a driver only and no passengers. Also known as

ATVs

- PRIVATE PROPERTY includes all property in the municipality except Crown land and highways.
- ROADWAY means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not all of the roadways collectively.
- SIDEWALK means a path or a strip of land paved or otherwise in, on, or alongside a highway and designed and intended for or used by the general public for pedestrian’s travel. In addition, “sidewalk” includes any property of the municipality that is, or hereafter may be, physically set apart or made available and intended for pedestrian’s use.

OFF ROAD VEHICLES

1. Off road vehicles shall be prohibited from traveling in, over or upon the following highways in the Township of Black River-Matheson and the said highways shall hereinafter be referred to as restricted streets, namely:
 - a) Fourth Avenue, Fifth Avenue, and Sixth Avenue from Second Street To Railway Street (Matheson).
 - b) Eighth Avenue and Seventh Avenue from Second Street to CJM Road (Matheson).
 - c) Fourth Avenue and Second Avenue from MacDougall Street to Railway Street (Matheson).
 - d) McIntyre Avenue from Denning Street To Ennis Street (Ramore).
2. Every person operating or permitting the operation of an ORV that lives on a street listed above may use the street only to access to or from a non-restricted street.
3. No ORVs shall be driven or operated upon any public sidewalk within the boundaries of the Township of Black River-Matheson.
4. No person shall operate an ORV within the town sites of Black River-Matheson between the hours of 1:00 am and 6:00 am in the morning.
5. No person shall operate or permit the operation of an ORV on the property of any School, Hospital, Home for the Aged, Nursing Home, Cemetery, Playground or Park or designed municipal properties as indicated by properly erected signs.
6. Must adhere to speed limits lower than posted limits (same as snowmobiles)
 - a) 20 km/h - highways where speed limit is 50 km/h or less.

b) 50 km/h - highways where speed limit is over 50 km/h.

7. Drivers must operate their ORV in the same direction as traffic.

8. No person shall operate an ORV in a construction zone, on a closed highway or within a provincial park unless allowed by the park.

9. Drivers must wear a motorcycle helmet

10. Drivers shall have a valid G2 or greater driver's licence, registration and insurance.

11. Passengers are not allowed.

12. May tow trailers.

13. ORVs must have the appropriate equipment (e.g.: head lights, tail lights, working brakes, reflectors, low-pressure bearing tires)

14. No person shall operate an ORV on private property, unless he/she has the permission of property owner.

15. That ORVs are prohibited from a certain area on the east and north sides of the Vern Miller Memorial Community Arena, grounds and parking lot area, as set out in Schedule "A" of this By-law.

16. That ORVs are hereby required to park in a designated area on the south side of the Vern Miller Memorial Community Arena as set out in Schedule "A" of the By-law.

17. Any owner of an ORV being operated with his/her consent within the Township of Black River-Matheson shall be liable for all consequences and fines enforced in this By-law.

18. Exemptions are provided for police or conservation officers, first aid personnel or fire department personnel while driving ORVs either on patrol or on an emergency basis. Public utility workers are also exempt provided it is during appointed work related duties.

19. Drivers shall abide by the Ontario Highway Traffic Act at all times.

20. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000.00, as set out in The

Provincial Offences Act, R.S.O. 1990, Chapter P.33.

21. This By-law shall come into force and take effect immediately upon the passing thereof.

Read a first and second time this 26th day of January, 2004.

Read a third time and finally passed this 26th day of January, 2004.

MAYOR

CLERK