

CORPORATION OF THE MUNICIPALITY OF TRENT HILLS

BY-LAW 2015-44

Being a By-law to REGULATE THE OPERATION OF ALL-TERRAIN VEHICLES ON MUNICIPAL HIGHWAYS WITHIN THE MUNICIPALITY OF TRENT HILLS

WHEREAS pursuant to Section 191.8(3) of the Highway Traffic Act, R.S.O., 1990, Chapter H8, as amended, the Council of a municipality may pass by-laws:

1. 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 any part or parts of such highway;
2. 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 Council of The Corporation of the Municipality of Trent Hills enacts as follows:

I. DEFINITIONS

"All-Terrain Vehicle (ATV)" means an off-road vehicle as defined in O. Reg. 316/03 under The Highway Traffic Act entitled "Operation of Off Road Vehicles on Highways".

"Highway" includes a common and public highway, street, avenue, parkway, 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.

"Off-Road Vehicle" means an off-road vehicle within the meaning of the Highway Traffic Act Ontario Regulation 316/03 - Operation of Off Road Vehicles on Highways.

"Dusk" means the period in time one half hour before sunset, for the purpose of this by-law.

"Dawn" means the period in time one half hour following sunrise, for the purpose of this by-law.

II. REGULATION OF ALL TERRAIN VEHICLES ON HIGHWAYS

- 1) No person shall operate an All-Terrain Vehicle on a highway under municipal jurisdiction unless it meets the equipment requirements of Sections 7 to 15 of O. Reg. 316/03 and it is operated in accordance with Sections 16 to 24 of O. Reg. 316/03.
- 2) No person shall operate or permit the operation of an All-Terrain Vehicle on a highway under municipal jurisdiction while carrying a passenger.

3) No person shall operate an All-Terrain Vehicle at a rate of speed greater than:

- i. 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
- ii. 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.

III. GENERAL

1. Operation of all terrain vehicles shall be permitted, by by-law, upon all highways under the jurisdiction of the Municipality of Trent Hills and shall be subject to the provisions of this by-law and in accordance with Ontario Regulation 316/03 of the Highway Traffic Act and the Off Road Vehicles Act, as amended.
2. Operation of all terrain vehicles shall be permitted on highways under the jurisdiction of the Municipality of Trent Hills in 2015 between June 15th, 2015 and November 30th, 2015 as a six month trial period. By-law 2015-44 expires November 30th, 2015 at midnight and will not be automatically re-instated on a yearly basis.
3. No person shall operate an ATV on highways within the Municipality of Trent Hills between the time periods of Dusk and Dawn as defined in this by-law.
4. No person shall operate an ATV on highways within the Municipality of Trent Hills with an exhaust system that has been changed or altered from the installed factory stock exhaust system. Modifications are not permitted.

IV. PENALTIES

Any person who contravenes any section of this By-law is guilty of an offence and upon conviction is liable to such fines and penalties as are provided for in the Provincial Offences Act, R.S.O. 1990, c.P-33, as amended

V. VALIDITY

If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby and is hereby declared to be the intention of Council that each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

VI. MONITORING

That this by-law shall be monitored by the CAO or a designate who shall prepare a report to Council on the results of the review.

VII. EFFECT AND FORCE

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

By-law 2015-44 be introduced and deemed to be read a first, second, and third time, passed and properly signed and sealed this 19th day of May, 2015.


Hector Macmillan (Mayor)


Shari Lang (Clerk)