



THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA

BY-LAW NUMBER 2018- 19

BEING a by-law to regulate and govern the use of Off Road vehicles the operation of All-Terrain, Multi-purpose and Recreation Off-Road vehicles (Off-Road Vehicles) within the United Townships of Head, Cara & Maria.

WHEREAS the Council of the Corporation of the Municipality of the United Townships of Head, Clara & Maria deems it appropriate to pass a by-law to regulate, govern and limit the operation of All- Terrain Vehicles (ATVs) on Municipal Roads within the Municipality of the United Townships of Head, Clara & Maria;

AND WHEREAS the *Highway Traffic Act, 1990*, as amended, and *Ontario Regulation 316/03* authorizes municipalities to pass by-laws permitting ATVs to be operated on highways or part of highways within the municipality and during specific months and hours as set out;

AND WHEREAS the Council of the Municipality of the United Townships of Head, Clara & Maria is willing to promote safe, respectful off-road vehicle use within the municipality to encourage the local economic benefits associated with this growing demographic, by allowing controlled access to accommodations, fuel, food and other amenities;

NOW THEREFORE BE IT RESOLVED THAT THE Council of the United Townships of Head, Clara & Maria does hereby enact as follows:

SECTION 1 – DEFINITIONS

1.1 “All-terrain vehicle” For the purpose of this by-law, whenever the term “All-terrain vehicle” or (ATV) is stipulated, it shall include any of the following:

“All-terrain vehicle” means an off-road vehicle that:

- a. has four or more wheels, the tires of which are all in contact with the ground;
- b. has steering handlebars;
- c. has a seat that is designated to be straddled by the driver, and
- d. is designed to carry:
 - a) a driver only and no passengers, or
 - b) a driver and only one passenger, if the vehicle,
 - i. has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
 - ii. is equipped with foot rests for the passenger that is separate from the foot rests for the driver.

“Multi-purpose off-highway utility vehicle” means an off-road vehicle that:

- a. has four or more wheels, the tires of which are all in contact with the ground;
- b. has a steering wheel for steering control;
- c. has seats that are not designed to be straddled; and

d. has a minimum cargo capacity of 159 kilograms.

“Recreational off-highway vehicle” means an off-road vehicle that:

- a. has four or more wheels, the tires of which are all in contact with the ground;
- b. has a steering wheel for steering control;
- c. has seats that are not designed to be straddled; and
- d. has an engine displacement equal to or less than 1,000 cubic centimeters.

1.2 “Highway” includes a common or open highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, 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.

1.3 “Jurisdiction” means all highways under the jurisdiction of the Municipality only. The by-law does not provide authority for use of vehicles on:

- County of Renfrew highways/roads;
- Private roads;
- Forest Access Roads; or
- The Trans-Canada Highway.

1.4 “Municipality” means The Corporation of the Municipality of the United Townships of Head, Clara & Maria.

SECTION 2 – REGULATIONS

2.1 **THAT** ATVs shall not be operated on a Highway unless such vehicle meets all of the equipment requirements of Section 7 to 15 of *Ontario Regulation 316/03*, as amended, and is operated in accordance with Sections 16 to 24 of *Ontario Regulation 315/03*, as amended.

2.2 **THAT** No person shall operate an ATV on any pedestrian walkway, within the geographic boundaries of the Municipality except to cross over such walkway.

2.3 **THAT** No person shall drive an ATV upon any municipally owned or municipally maintained lands used as parks, playgrounds, beaches, sports fields, or for utility purposes unless expressly permitted by municipal by-law, save and except the following

- a. the gravel roadways in Old Mackey Park and the municipal boat launches.
- b. Areas used as parking areas for other vehicles at the parks, boat launches and municipal community centre.

2.4 **THAT** no person shall drive an ATV on any part of a highway that is designated as a construction zone under section 128(8) of the *Highway Traffic Act* or any other part of a highway where construction work or highway maintenance is being carried out.

SECTION 3 – EXEMPTIONS

- 3.1 **THAT** in cases of emergency, parades and other special events, the Municipality may authorize or permit the use of ATVs on specific highways during specific times.
- 3.2 **THAT** the regulations prescribed in this by-law do not apply to an ATV operated by a police officer, conservation officer or by-law enforcement officer while on duty or any other employee as defined at Section 25, Part IV, of the *Ontario Regulation 315/03* made under the *Highway Traffic Act*.

SECTION 4 – ENFORCEMENT

- 4.1 **THAT** the provisions of this by-law shall be subject to the provision of the *Highway Traffic Act, R.S.O. 1990 c. H.8* and the *Ontario Regulation 316/03* and amendments thereto.
- 4.2 **THAT** this by-law shall be enforced by any Municipal By-law Enforcement Officer or by any member of the Ontario Provincial Police.

SECTION 5 - PENALTY

- 5.1 **THAT** any person who contravenes any provision of the *Highway Traffic Act, R.S.O. 1990, c.H.8*, as amended, its regulations, or this By-law shall be guilty of an offence and shall be liable, upon conviction, to a fine for each offence as provided for in the *Provincial Offences Act, R.S.O. 1990, c.P.33*. or as per “Schedule A” of this By-law as applicable.

SECTION 6 – GENERAL

- 6.1 **THAT** if a court of competent jurisdiction should declare any section or part of any section of this by-law invalid, the remainder of the by-law shall be valid and shall remain in force.
- 6.2 **THAT** where a provision of this By-law conflicts with the provisions of another By-law in force in the Municipality, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
- 6.3 **THAT** the CAO/Clerk of the Municipality of the United Townships of Head, Clara & Maria is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatical, semantic or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

SECTION 7 – REVIEW

- 7.1 **THAT** there shall be a review of this entire by-law by the Municipality no later than the last day of November 2019.

SECTION 8 – SHORT TITLE

- 8.1 **THAT** the short title of this By-law is the “ATV By-law”.

SECTION 9 – EFFECTIVE DATE and REPEAL

9.1 **THAT** this by-law shall come into full force and effect on the date of final passage hereof and “Schedule A” Short Form Wording/Set Fines shall come into force and take effect immediately upon approval by the Ontario “Court of Justice”.

9.2 **THAT** all other by-laws or resolutions, or parts thereof, contrary hereto or inconsistent herewith, be and the same are hereby repealed and replaced with this document.

READ a 1st time this 11th day of September, 2018.

READ a second and third time and finally passed this 16th day of October, 2018.

BOB REID, MAYOR

MELINDA REITH, CLERK