

The Corporation of the Township of Tyendinaga

By-law No. 2020-19

Being a By-law to Regulate the Operation of All-Terrain and Off-Road Vehicles on Municipal Highways Within the Township of Tyendinaga

WHEREAS pursuant to Section 191.8 (3) of the Highway Traffic Act, RSO 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 under the jurisdiction of the municipality, or on any part or parts of such highway;
- b) prescribing a lower rate of speed 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.

AND WHEREAS Ontario regulation 316/03 applies to the operation of Off-Road Vehicles on Highways.

AND WHEREAS the Council of the Corporation of the Township of Tyendinaga has deemed it appropriate to enact a by-law to permit All-Terrain Vehicles and or Off Road Vehicles on highways under the jurisdiction of the Municipality (subject to the terms and provisions of this By-law) but to prohibit other types of Off-Road Vehicles municipal highways;

NOW THEREFORE the Municipal Council of the corporation of the Township of Tyendinaga **ENACTS** as follows:

DEFINITIONS

In this by-law,

“all-terrain vehicle” means an off-road vehicle that,

- (a) has four wheels, the tires of which are all 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,
 - (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 footrests for the passenger that are separate from the foot rests for the driver;

“extreme terrain vehicle” means an off-road vehicle that,

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- (a) has six or eight wheels, the tires of which are all in contact with the ground,
- (b) has no tracks that are in contact with the ground,
- (c) has seats that are not designed to be straddled, and
- (d) has a minimum cargo capacity of 159 kilograms;

“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;

“off-road motorcycle” means an off-road vehicle, designed primarily for recreational use, that,

- (a) has steering handlebars,
- (b) has two wheels, the tires of which are all in contact with the ground,
- (c) has a minimum wheel rim diameter of 250 millimetres,
- (d) has a minimum wheelbase of 1,016 millimetres,
- (e) has a seat that is designed to be straddled by the driver,
- (f) is designed to carry a driver only and no passengers, and
- (g) does not have a sidecar;

“off-road vehicle” has the same meaning as in the *Off-Road Vehicles Act*;

“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 centimetres;

“Highway” includes 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;

“Low Pressure Bearing Tire: means a wide, ballon-type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70 kpa (10psi);

“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. O. Reg. 316/03, s. 1; O. Reg. 135/15, s. 1; O. Reg. 315/20, s. 1.

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“Municipality” means the Corporation of the Township of Tyendinaga;

REGULATION OF ALL-TERRAIN VEHICLES ON HIGHWAYS

No Off-Road Vehicle or All-Terrain Vehicle shall be permitted on any highway unless :

An All-Terrain Vehicle/Off-Road Vehicle shall not be operated on highways unless it meets the equipment requirements of Section 6 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;

The driver of the All-Terrain/Off-Road Vehicle is wearing a helmet that complies with section 19 of the Off-Road Vehicles Act, R.S.O. 1990, c.O.4, as amended from time to time;

The All-Terrain/Off-Road Vehicle is being driven by one person and there are no passengers on the All-Terrain/Off-Road Vehicle unless it complies Section 19 of the Off-Road Vehicles Act, R.S.O.

The All-Terrain Vehicle shall not be driven at a rate of speed greater than,

- a) 20 kilometers per hour, if the speed limit established under the Highways Traffic Act or by Municipal By-law for that part of the highway is not greater than 50 kilometers per hours,
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.

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.

EFFECTIVE

This by-law shall come into force and take effect October 5, 2020 and it's short title shall be "ATV/ORV By-law".


Where any by-law passed prior to this by-law, conflicts with this by-law the Terms of this by-law shall prevail.

By-law 05-36, being a by-law to regulate the operation of All-Terrain Vehicles (ATVS) on municipal highways within the Township of Tyendinaga is hereby rescinded in its entirety.


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Read a First, Second, and Third Time and Finally Passed this 5th day of October 2020



Rick Phillips, Reeve



Brad Roach, CAO/Clerk/Treasurer