

The Corporation of the Township of North Kawartha

By-law 2016 - 126

Being a by-law of the Corporation of the Township of North Kawartha to regulate the operation of all-terrain vehicles on municipal highways

Whereas the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8, subsection (3) provides that a Council of a municipality may pass by-laws: permitting the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality, or on any parts of such highway; to prescribe a lower rate of speed for off-road vehicles with three or more wheels and low pressure bearing tires than the prescribed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction; and where Subsection (4) provides that by-laws may regulate times of operation on any highway or parts of highway only during specified months or hours;

And Whereas the Council of the Corporation of the Township of North Kawartha deems it desirable to enact such a By-law for all-terrain vehicles (ATV's), multi-purpose off-highway utility vehicles and recreational off-highway vehicles as defined in Section 1 of Ontario Regulation 316/03 as an off-road vehicle that:

All-terrain vehicles:

- 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 foot rests for the passenger that are separate from the foot rests for the driver.

Multi-purpose off-highway utility vehicles:

- 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 vehicles:

- 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.

And Whereas for the purpose of the by-law the term ATV is inclusive of all-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles;

And Whereas the purpose of the by-law is to provide access to link an ATV riders home or accommodation to the ATV trail, from trail to trail and from ATV trail to economic services including food, fuel, supplies and service;

Now Therefore the Council of the Corporation of the Township of North Kawartha hereby enacts as follows:

1. That ATVs shall be permitted on highways (streets) as defined in the Highway Traffic Act R.S.O., Chapter H.8, which are described in Schedule "A".
2. That the ATV shall not be driven at a rate of speed greater than:

- a. 20 km/hr if the speed established under the Highway Traffic Act or by municipal by-law for that part of the highway is not greater than 60 km/hr; or
 - b. 50 km/hr if the speed limit established under the Highway Traffic Act or by municipal by-law for that part of the highway is greater than 60 km/hr.
3. That an ATV shall not be operated on highways unless it meets the equipment requirements of Section 7-15 of Ontario Regulation 316/03 and it is operated in accordance with Sections 16-24 of the regulation.
 4. That an ATV shall not be permitted to travel on a municipal highway if the exhaust system has been altered over the manufacturer's recommended decibel level.
 5. That any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction, where a fine for the contravention is not otherwise provided under the Highway Traffic Act, is liable to a fine under the Provincial Offences Act.
 6. Helmets are required on all municipal highways along with a valid driver's license and insurance.
 7. Travel must be in the same direction as traffic and ATVs must travel on the shoulder of the road, but may travel on the road only if the shoulder is unsafe.
 8. This by-law does not apply to police, fire, ambulance, search and rescue or other emergency vehicles.
 9. That this by-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Township of North Kawartha. This by-law will have effect for one (1) year from the date of passage unless rescinded at an earlier date by the Council of the Township of North Kawartha
 10. That this by-law will be commonly called the "ATV By-law".

Read a first, second and third time and passed in open Council on the 6th day of December, 2016.

Richard B. Woodcock, Mayor

Connie Parent, Clerk