

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 15-1257

Being a by-law to permit off-road vehicles on municipal roads

WHEREAS, the Highway Traffic Act, R. S. O. 1990, Section 191.8, subsection (3), Chapter H. 8, as amended, provides that Council of a municipality may pass by-laws;

- a) Permitting the operation of off-road vehicles, with three or more wheels on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway; and
- b) Prescribing a lower rate of speed for off-road vehicles with three or more wheels than that prescribed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction, or any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways. 1999, c. 12, Sched. R, s. 17; 2015, c. 14, s. 53 (1).

AND WHEREAS on the 25th day of June 2015, Council passed resolution 15-334 to receive staff reports for information, including Memo 2015-M-048 regarding the need for an updated ATV By-law as a result of changes to the Highway Traffic Act effective July 1, 2015 and on the 6th day of August 2015 passed resolution 15-___ to accept the recommendations for the new by-law;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

I. DEFINITIONS:

In this By-law,

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

- a) has four wheels, the tires of all of which are 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;

“highway” includes a common and public 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;

“low pressure bearing tires” means a wide, balloon type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressure of no greater than 70 KPA (10psi);

“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 vehicle” has the same meaning as in the *Off-Road Vehicles Act* and includes a “multi-purpose off-highway utility vehicle” and a “recreational off-highway vehicle”;

“officer” means a member of a police force appointed for the Province of Ontario in accordance with the Police Services Act R.S.O. 1990 c. P. 15, or a By-law Enforcement Officer appointed by the Municipality of Temagami for the purposes of carrying out the enforcement of this by-law or parts thereof;

“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.

II. REGULATION OF OFF-ROAD VEHICLES ON HIGHWAYS:

1. Off-road vehicles with four wheels and low pressure bearing tires shall be permitted on all municipal roads within the Municipality of Temagami under and in accordance with Ontario Regulation 316/03 of the Highway Traffic Act and the Off-Road Vehicle Act as amended.
2. An Off-road vehicle shall not be operated on highways unless it meets the equipment requirements of Section 7 to 15 of O Reg. 316/03 and it is operated in accordance with section 16 to 24 of O. Reg. 316/03 S. 6.
3. The off-road vehicle shall not be driven at a rate of speed greater than:
 - a) 20 kilometres 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 kilometres per hour, or
 - b) 50 kilometres 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 kilometres per hour.
4. No driver of an off-road vehicle shall operate without valid insurance coverage on said vehicle upon any municipal road covered by this by-law.
5. No driver of an off-road vehicle shall operate on any municipal road covered by this by-law without licensing such vehicle.
6. Driver must operate off-road vehicle in same direction as traffic.

III. GENERAL PROVISIONS OF THIS BY-LAW:

1. No person shall interfere with an officer carrying out his/her duties enforcing this by-law.
2. Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for under the Highway Traffic Act or the penalty as provided in section 61 of the Provincial Offences Act R. S. O. 1990 Chapter 33 as amended from time to time, as applicable.
3. By-law No. 05-626 is hereby repealed and replaced.
4. The Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to this by-law, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
5. This by-law shall come into force and take effect upon the final passing thereof.

TAKEN AS READ A FIRST time on this 6th day of August 2015

READ A SECOND AND THIRD time and finally passed this 6th day of August 2015.

Mayor

Clerk