

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 05-626

Being a by-law to permit All-Terrain 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 and low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality or on any part or parts of such highways;
- b) Prescribing a lower rate of speed 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;

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 a driver and no passengers.

“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 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).

“Off-Road Vehicle” means an off-road vehicle within the meaning of the Off-Road Vehicle Act O. Reg. 316/03 s. 1.

H. REGULATION OF ALL-TERRAIN VEHICLES ON HIGHWAYS:

An All-Terrain 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 and 24 of O. Reg. 316/03 S. 6.

HI. THE ALL-TERRAIN 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.

IV. GENERAL PROVISIONS OF THIS BY-LAW:

- a) No driver of an ATV vehicle shall operate without valid insurance coverage on said vehicle upon any municipal road covered by this by-law.
- b) No driver of an ATV vehicle shall operate on any municipal road covered by this by-law without licensing such vehicle.
- c) Driver must operate ATV in same direction as traffic.
- d) No person shall interfere with an officer carrying out his/her duties enforcing this by-law.
- e) Every person(s) who violates a provision of this by-law is guilty of an offence and on conviction is liable to the penalty as provided in section 61 of the Provincial Offences Act R. S. O. 1990 Chapter 33 as amended from time to time.

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.

- 1. 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.
- 2. The provision of this by-law shall come into force and take effect on the 22nd day of September, 2005.

BE TAKEN AS READ A FIRST time on this 22nd day of September, 2005.

READ A SECOND AND THIRD time and finally passed this 22nd day of September, 2005.



Mayor



CAO/Clerk