

CORPORATION OF THE TOWNSHIP OF EAST HAWKESBURY

BY-LAW NO. 2019-19

ATV BY-LAW

BEING a By-Law to regulate the operation of “All Terrain Vehicles (ATV)” within the Township of East Hawkesbury.

WHEREAS, the Municipal Act, 2001, as amended, Section 11(3) provides that a lower tier and upper tier municipality may pass by-laws respecting matters concerning highways, including parking and traffic on highways;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H8, Section 191.8 as amended, provides that a municipality may pass by-laws for:
Permitting the operation of off-road vehicles with three (3) 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;
Prescribing a lower rate of speed for off-road vehicles with four wheels and low-pressure bearing tires than that prescribed for off-road vehicles by regulation on any highway;
Permitting the operation of off-road vehicles with four wheels and low-pressure bearing tires on any highway or part or parts of such highway only during specific hours.

AND WHEREAS, Ontario Regulation 316/03 under the Highway Traffic Act regulates the operation of off-road vehicles on highways.

THEREFORE, the Council of the Corporation of the Township of East Hawkesbury enacts as follows:

1. Definitions

- 1.1 **“All-Terrain Vehicle”** means an off-road vehicle that
 - 1.1.1 has four wheels, the tires of which are in contact with the ground;
 - 1.1.2 has steering handlebars;
 - 1.1.3 has a seat that is designed to be straddled by the driver, and
 - 1.1.4 is designed to carry a driver and one passenger.
- 1.2 **“Off-Road Vehicle”** has the same meaning as in the Off-Road Vehicles Act, R.S.O. 1990, Chapter O.4
- 1.3 **“Corporation”** means the Corporation of the Township of East Hawkesbury;
- 1.4 **“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- 1.5 **“Organized Trail”** means the whole of any trail established and maintained by a municipality or recognized ATV recreational organization for the use of off-road vehicles.

2. General Provisions

- 2.1 No person shall drive an ATV on any highway under the jurisdiction of the Corporation, except within the organized trails and roads as designated under Schedule “A” of this By-Law.
- 2.2 Subject to Section 2.1 above, any person driving an ATV on an organized ATV trail as designated in Schedule “A” to this By-Law, shall be subject to a recognized ATV Club membership and may use the shoulder of the designated highway to travel.
- 2.3 The Corporation reserves the right to restrict the use of the designated trails and highways should it be determined by the Road Superintendent that there is damage being done during the spring thaw or any time deemed necessary to do so.
- 2.4 No person shall operate an ATV on any highway or organized trail between the hours of 11:00 p.m. to 7:00 a.m.
- 2.5 No ATV trail shall be permitted on private lands within 200 feet from a dwelling.

2.6 No person shall drive an ATV within the parks and other lands owned by the Corporation.

3. Speed Limit

3.1 An ATV shall not be driven at a rate of speed greater than:

3.1.1 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

3.1.2 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. Identification

4.1 Every ATV shall have a registration number, in a clearly visible position, showing the registration number of the ATV in the form and manner prescribed in the regulations of the Ministry of Transportation.

4.2 Further to Section 4.1 above, every ATV shall bear a recognized ATV Club membership registration number, in the form and manner prescribed by the recognized ATV club policies and guidelines.

5. Exemptions

5.1 In cases of emergency, parades and other special events, the Corporation may authorize or permit the use of ATV's on specific highways during specific times.

5.2 The regulations prescribed in this By-Law do not apply to an ATV operated by a police officer, constable, conservation officer or peace officer while on duty or any other employee as defined in Section 25, Part IV of O. Reg. 316/03 made under the Highway Traffic Act.

5.3 This By-Law does not apply to off-road vehicles if the owner holds a valid driver's license and is permitted to drive on a highway, if the vehicle is designed to travel on more than two wheels and the driver is:

5.3.1 a farmer using the vehicle for agricultural purposes;

5.3.2 a person licensed under the Fish and Wildlife Conservation Act, 1997 to trap furbearing mammals, if the person is using the vehicle for trapping purposes, and the vehicle or a vehicle drawn by it bears a "Slow Moving Vehicle" sign.

6. Review

Council reserves the right to review this by-law on a regular basis and repeal should there be complaints from the general public of the activities of the ATV operators causing public disturbances.

7. Penalties

Any person who contravenes any provision of this by-law and who is found guilty of an offence in a Court of competent jurisdiction is, upon conviction, liable to a fine in accordance with the provisions of the Provincial Offences Act and any other penalties deemed suitable as the case may be.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 11th DAY OF MARCH, 2019.

SEAL

"Signed"

Robert Kirby, Mayor

"Signed"

Luc Lalonde, Clerk-Treasurer

SCHEDULE "A" TO BY-LAW NO. 2019-19

DESIGNATED ROADS FOR ATV'S

All terrain vehicles (ATV) may use Township owned highways (excluding green roads and unopened road allowances during the following period:

From 7:00 a.m. to 11:00 p.m.