

**THE CORPORATION OF THE TOWNSHIP OF
WHITEWATER REGION**

BY- LAW # 07-03-284

Being a By-law to regulate the operation of All-Terrain vehicles on municipal highways within the Corporation of the Township of Whitewater Region.

WHEREAS Pursuant to Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, CH.8, as amended, the Council of a Municipality may pass by-laws:

- a) Permitting the operation of off-road vehicles with 3 (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 highway;
- b) Prescribing a lower rate of speed for all 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.

THEREFORE the Council of the Corporation of the Township of Whitewater Region enacts as follows:

I. DEFINITIONS:

In this By-law:

- "Off-Road Vehicle" means an off-road vehicle within the meaning of the Off-Road Vehicles
- "All-Terrain Vehicles" 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 only 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 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, balloon-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 (10 psi)

II. REGULATION OF ALL-TERRAIN VEHICLES ON HIGHWAYS

1. 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 sections 16 to 24 of O.Reg 316/03, s.6.
2. An All-Terrain Vehicle may be driven on the Township of Whitewater Region Municipal Roads only if, in addition to meeting the requirements of Part iii and iv of O.Reg. 316/03, there is only one driver and no passenger on the all-terrain vehicle at the time.
3. 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 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 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 kilometres per hour.

4. The driver of the All-Terrain Vehicle shall wear a helmet that complies the requirements of the Off-Road Vehicles Act.
5. The All-Terrain Vehicle shall be driven on the shoulder of the highway in the same direction as the traffic using the same side of the highway.
6. Despite subsection 4, the All-Terrain Vehicle may be driven on the roadway in the same direction as the traffic using the same side of the highway if:
 - (a) If there is no shoulder; or
 - (b) the shoulder of the highway is obstructed and cannot be used by the All-Terrain Vehicle.

III. GENERAL

1. Operation of All-Terrain Vehicles shall be permitted by By-law upon the highways under the jurisdiction of the Township of Whitewater Region and in accordance with Ontario Regulation 316/03 of the Highway Traffic Act and the Off Road Vehicles Act, as amended.

IV. PENALTIES


1. 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.

V. EFFECTIVE

This by-law shall come into force and take effect on the day of its passing and shall remain in effect until otherwise amended or repealed.

Read a FIRST, SECOND and THIRD time and FINALLY passed this 21st day of February, 2007


MAYOR


CAO/Clerk