

BY-LAW NO. 2004-02

Being a By-Law to regulate the operation of All-Terrain Vehicles on Municipal Highways within the Corporation of North Algona Wilberforce Township.

**WHEREAS** Pursuant to Section 191.8 (3) of the Highway Traffic Act, R.S.O. 1990, c H. 8, as amended the 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 highway,
- (b) prescribing a lower rate of speed for 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 NORTH ALGONA WILBERFORCE TOWNSHIP 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 Act O.Reg. 316/03, s.1.

"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 handlebar,
- (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

**II. REGULATION OF ALL-TERRAIN VEHICLES ON HIGHWAYS**

- 1. An All-Terrain Vehicle may be driven on North Algona Wilberforce 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.
- 2. 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 kilometers 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 kilometers per hour.
- 3. The driver of the All-Terrain Vehicle shall wear a helmet that complies the requirements of the Off-Road Vehicles Act.
- 4. 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.
- 5. 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) 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 North Algona Wilberforce Township and in accordance with Ontario Regulation 316/03 of the Highway Traffic Act and the Off Roads 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**