

THE CORPORATION OF THE TOWNSHIP OF McMURRICH/MONTEITH

BY-LAW No. 20 - 2015

Being a By-law to Permit the Operation of Off Road Vehicles on Certain Highways
Under the Jurisdiction of The Corporation of the Township of McMurrich/Monteith

WHEREAS the Highway Traffic Act, R.S.O. 1990, Section 191.8, subsection (3), Chapter H. 8, as amended, authorizes the Council of a municipality to pass by-laws permitting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H. 8, Ontario Regulation 316/03 defines an Off Road Vehicle and provides regulations governing the operation of Off Road Vehicles upon highways;

AND WHEREAS beginning July 1, 2015, the Highway Traffic Act, R.S.O. 1990, Chapter H. 8, Ontario Regulation 135/15 further defines Off Road Vehicles and expands upon their permitted use;

AND WHEREAS the Council of The Corporation of the Township of McMurrich/Monteith deems it advisable to regulate the operation of Off Road Vehicles as defined in Section 1 of Ontario Regulation 316/03 and 135/15, on certain highways within the jurisdiction of the Township of McMurrich/Monteith, or on any part or parts of such highways;

NOW THEREFORE the Council of The Corporation of the Township of McMurrich/Monteith enacts as follows:

1. In this By-law:
 - (a) "Highway" means a highway as defined in the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended.
 - (b) "Off-Road Vehicle" means an off-road vehicle as defined in the Off-Road Vehicles Act, R.S.O. 1990, Chapter O.4.
2. Off Road Vehicles are not permitted to be operated on municipal highways that are within the Township of McMurrich/Monteith that are under the jurisdiction of The Corporation of the Township of McMurrich/Monteith except for those municipal highways listed in Schedule "A" to this By-law. All-Terrain Vehicles operated on municipal highways under authority of this By-law are to be operated in accordance with Ontario Regulation 316/03 and Ontario Regulation 135/15.
3. An Off Road Vehicle operated on highways under the jurisdiction of The Corporation of the Township of McMurrich/Monteith as listed in Schedule "A" of this By-law must meet the equipment requirements as set out in Ontario Regulation 316/03 and Ontario Regulation 135/15.
4. An 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.
- 5. The Exemptions set out in Ontario Regulation 316/03 and Ontario Regulation 135/15, as amended from time to time, regarding the operation of Off-Road Vehicles on highways shall apply to this By-law and the permissions granted thereunder.
- 6. No person shall operate an Off Road Vehicle:
 - (a) Over or upon the following areas, with the exception of recognized parking areas:
 - (i) Any Community Centre under the jurisdiction of The Corporation of the Township of McMurrich/Monteith.
 - (ii) Any Park, Playground or Beach Area under the jurisdiction of The Corporation of the Township of McMurrich/Monteith.
 - (iii) Any Sports Field under the jurisdiction of The Corporation of the Township of McMurrich/Monteith.
 - (iv) Any Cemetery under the jurisdiction of The Corporation of the Township of McMurrich/Monteith.
 - (v) Any Fairgrounds under the jurisdiction of The Corporation of the Township of McMurrich/Monteith.
 - (b) On any other municipally owned property, except municipal highways as authorized in this By-law and subject to subsection (a), without the expressed written consent of the municipality.
- 7. If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.
- 8. Any person operating an Off Road Vehicle in contravention of this By-law shall be guilty of an offence and subject to the penalties provided by law.
- 9. That By-law 1 – 2004 is hereby repealed.
- 10. This By-law shall come into force and take effect upon final passage thereof.

Read a first and second time this 7th day of July, 2015

Read a third time and final time and passed this 4th day of August, 2015

Reeve

Clerk

Schedule "A" to

The Corporation of the Township of McMurrich/Monteith By-law No. 20- 2015

The following highways and portions of highways are highways under the jurisdiction of The Corporation of the Township of McMurrich/Monteith where Off Road Vehicles are permitted to travel in accordance with the regulations as set out in By-law No. 20 - 2015.

All Municipal Roadways that are publicly maintained.