

THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND

BY-LAW NO. 50–2009

BEING A BY-LAW TO PERMIT THE OPERATION OF ALL-TERRAIN VEHICLES ON ANY HIGHWAY WITHIN THE TOWNSHIP OF ALNWICK/HALDIMAND THAT IS UNDER THE JURIDICTION OF THE TOWNSHIP OF ALNWICK/HALDIMAND, OR ON ANY PART OR PARTS OF SUCH HIGHWAYS

THIS BY-LAW IS IN CONJUNCTION WITH ONTARIO REGULATION 316/03 MADE UNDER THE HIGHWAY TRAFFIC ACT

WHEREAS the Highway Traffic Act R.S.O. 1990, Section 191.8(1) Chapter H.8 as amended, states that no person shall drive an off-road vehicle on a highway except in accordance with the regulations and any applicable municipal by-laws:

AND WHEREAS Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, Chapter H.8 as amended, states that the Council of a municipality may pass by-laws;

- a) Permitting the operation of off-road vehicles with 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 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.

AND WHEREAS Section 4(2) of the Ontario Regulation 316/03 states that All-terrain vehicles may be driven on a highway listed in Schedule B only if, in addition to meeting the requirements of Part III, there is only one driver and no passenger on the all-terrain vehicle at the time.

AND WHEREAS Section 48 of Schedule B on the Ontario Regulations 316/03 states that every highway or part of a highway in a municipality on which an All-terrain vehicle (ATV) is permitted to operate under the authority of by-law made by the municipality under subsection 191.8(3) of the Act, but only during the months or hours specified in the by-law if the by-law limits the operation of an ATV on a highway or part of a highway within the municipality to certain months or hours.

NOW THEREFORE the Council of the Township of Alnwick/Haldimand hereby ENACTS as follows:

1. Definitions:

“All Terrain Vehicles” shall mean an off-road vehicle that:

- (a) Has four wheels, the tires 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;
- (e) Has headlights, taillights that must be on at all times;
- (f) Must have an operating brake light;
- (g) Must have a minimum of one mirror that must be mounted on the left side of the all terrain vehicle to allow the driver to see traffic approaching from the rear;
- (h) Has all terrain vehicle license plate and insurance.

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“Highway” shall include a common and public highway, street, avenue, parkway and driveway, any part of which is intended for use 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” shall mean a wide, balloon type tire with rounded cross sections and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70 kpa (10 psi).

2. Regulation of All Terrain Vehicles on Highways.

An all terrain vehicle shall not be operated on highways unless it meets the equipment requirements of Sections 7 to 15 of O. Reg. 316/03 and is operated in accordance with Sections 16 to 24 of O. Reg. 316/03, S.6.

An 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.
- (b) 35 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. All terrain vehicles are not permitted to ride on any municipal roads covered by this by-law between the hours of 10 p.m. and 6 a.m.

An all terrain vehicle shall comply with the following provisions:

- (a) No driver of an ATV shall drive on a municipal road without wearing an approved helmet.
- (b) No driver of an ATV shall operate such vehicle on any municipal road without a valid driver’s license.
- (c) No driver of an ATV shall carry any passenger while operating on any municipal road.
- (d) No driver of an ATV shall operate without valid insurance coverage on said vehicle on any municipal road covered by this by-law.
- (e) No driver of an ATV shall operate on any municipal road covered by the by-law without licensing such vehicle.
- (f) Driver must operate ATV in same direction as traffic.
- (g) All ATV’s shall travel on shoulder of road, but may operate on road if shoulder is not safe.
- (h) No person shall change or alter the exhaust system of an ATV to exceed the manufacturer’s recommended decibel level of

3. General

- a) Operation of all terrain vehicles shall be permitted, by by-law, upon all highways under the jurisdiction of the Corporation of the Township of Alnwick/Haldimand. Operation of all terrain vehicles shall be permitted on the extreme right hand side of the highway road surface only and in accordance with Regulation 316/03 of the Highway Traffic Act and the Off Road Vehicle Act, as amended. All terrain vehicles are restricted to the parking areas only of any municipal park.
- b) The use of all-terrain vehicles by emergency responders, such as, and shall include, but is not limited to, the Ontario Provincial Police (OPP), EMS Emergency Management Services), Alnwick/Haldimand Fire Department personnel, shall be exempt from the provisions of this by-law.

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- c) The use of all-terrain vehicles shall be restricted in designated Hamlets, as defined in the Official Plan of the Township of Alnwick/Haldimand, subdivisions as determined by approval planning applications approved by the Ministry of Municipal Affairs and Housing or designated party, within the geographic boundaries of the municipality.
- d) The use of all-terrain vehicles used for sidewalk clearing of the accumulation of snow in the Hamlets within the geographic boundaries of the Township of Alnwick/Haldimand, be exempt from the provision of 3.(c) of this by-law; subject to the use being in compliance with all applicable Provincial laws and regulations.
- e) That the Northumberland and District All-Terrain Vehicle (A.T.V.) Club be included in the Resource Section of the Emergency Plan for the Township of Alnwick/Haldimand, in order to be contacted for utilization, if required and deemed essential by the Emergency Control Group, during Emergency situations.

4. Penalties

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.

5. Validity

If any section, clause or provision of this by-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

6. Force and Effect

That this by-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Township of Alnwick/Haldimand and remain in force and effect in accordance with 3.(f) of this by-law.

- 7.** This By-Law 50-2009 repeals Municipal By-law 64-2008 in its entirety.

This By-law read a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 2ND day of July, 2009.

William Finley,
Mayor

Terrence Korotki,
Clerk/Administrator

