

**The Corporation of the Municipality of Highlands East**

**BY-LAW NO. 2015-39**

Being a by-law to permit All-Terrain, Multi-Purpose Off Highway Utility and Recreational Off-Highway Vehicles (Off-Road Vehicles) on the Shoulder of all Municipal Roads and to rescind By-law No. 03-2004

**WHEREAS**, Section 8 of the Municipal Act, 2001 S.O. 2001 as amended, empowers a municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** the Highway Traffic Act, R.S.O. 1990, Section 191.8, subsection (3), chapter H.8, as amended, provides that the Council of a municipality may 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 highways and which by-laws may prescribe a lower rate of speed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction, or any part or parts of such highway;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council for the Corporation of the Municipality of Highlands East **ENACTS AS FOLLOWS**:

**I. DEFINITIONS**

**"All-terrain vehicle"** means an off-road vehicle that:

- (a) has four wheels, the tires of which are all 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,
  - (i) a driver only and no passengers, or
  - (ii) a driver and only one passenger, if the vehicle,
    - (A) has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
    - (B) is equipped with foot rests for the passenger that are separate from the foot rests for the driver;

**"Multi-purpose off-highway utility vehicle"** means an off-road vehicle that,

- (a) has four or more wheels, the tires of which are all in contact with the ground,
- (b) has a steering wheel for steering control,
- (c) has seats that are not designed to be straddled, and
- (d) has a minimum cargo capacity of 159 kilograms;

**"Recreational off-highway vehicle"** means an off-road vehicle that,

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- (a) has four or more wheels, the tires of which are all in contact with the ground,
- (b) has a steering wheel for steering control,
- (c) has seats that are not designed to be straddled, and
- (d) has an engine displacement equal to or less than 1,000 cubic centimetres;

**“Highway”** includes a common or 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.

**“Off-Road Vehicle”** means an off-road vehicle within the meaning of the *Off-Road Vehicle Act* R.R.O.1990, O. Reg. 316/03, as amended.

**“Seat Belt Assembly”** means a device or assembly composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person.

## II. REGULATION OF OFF-HIGHWAY VEHICLES ON HIGHWAYS:

1. An off-highway vehicle shall not be operated on highways unless it meets the equipment requirements of Section 7 to 15 of O. Reg. 316/03, amended and it is operated in accordance with Sections 16 to 24 of O. Reg. 316/03, as amended.
2. The off-highway 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, or

Off-highway vehicles with four wheels shall be permitted on all municipal roads within the Municipality of Highlands East under and in accordance with Ontario Regulation 316/03, as amended of the *Highway Traffic Act*, as amended and the *Off Roads Vehicle Act*, as amended.

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**III. VALIDITY:**

1. If a court of competent jurisdiction declares any provision, or any part of a provision of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

**IV. CONTRAVENTION**

1. Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for under the Highway Traffic Act.

**V. RESCIND**

1. THAT By-law No. 03-2004 is rescinded in its entirety.

**VI. EFFECTIVE DATE:**

1. This by-law comes into force on the day on which it receives third reading and is passed.

**READ A FIRST AND SECOND TIME THIS 13<sup>th</sup> DAY OF JULY, 2015.**

**READ A THIRD TIME AND PASSED THIS 13<sup>TH</sup> DAY OF JULY, 2015.**

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Dave Burton, Reeve

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Irene S. Cook, Clerk