

# THE CORPORATION OF TAY VALLEY TOWNSHIP

## BY-LAW NO. 11-027

### A by-law to regulate the operation of All Terrain Vehicles on all highways under the jurisdiction of Tay Valley Township.

**WHEREAS** Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, Ch. 8, as amended, provides that a municipality may pass by-laws:

- i) 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 highway;
- ii) 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.

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF TAY VALLEY TOWNSHIP HEREBY ENACTS AS FOLLOWS:**

#### 1. Jurisdiction

- 1.1 This by-law regulates the use of all terrain vehicles on all highways under the jurisdiction of Tay Valley Township, a lower tier municipality, only.
- 1.2 This by-law does **NOT** provide authority for:
  - a) Provincial highways
  - b) County of Lanark, upper tier municipality, highways
  - c) Private roads
  - d) Any highways situated outside of Tay Valley Township

#### 2. Definitions.

- 2.1 "All terrain vehicles" shall mean an off-road vehicle that, in accordance with the Highway Traffic Act and Ontario Regulation 316/03:
  - (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;
  - (d) is designed to carry a driver only and no passengers;
- 2.2 "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.
- 2.3 "Low Pressure Bearing Tire" shall mean a wide, balloon type tire with a 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).
- 2.4 "Off Road Vehicle" shall mean an off-road vehicle within the meaning of the Off Road Vehicles Act, O. Reg. 316/03, S.1.

#### 3. Regulation of All Terrain Vehicles on Highways.

- 3.1 An all terrain vehicle shall not be operated on a highway unless such vehicle meets all of 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 and attached as Schedule 'B' of this By-law.

- 3.2 Notwithstanding Section 22 of Ontario Regulation 316/03, an all terrain vehicle shall not be driven at a rate of speed greater than 20 kilometers per hour on any highway, regardless of the posted speed limit for automobiles and other vehicles.
- 3.3 Any All Terrain Vehicle operating on a highway shall comply with the following provisions:
- (a) An all terrain vehicle shall have visible reflective strips maintained on all four sides of the vehicles;
  - (b) An all terrain vehicle shall NOT have chains or studs on its tires
  - (c) An all terrain vehicle will be driven in the same direction as traffic using the same side of the highway and multiple all terrain vehicles will ride in single file one behind the other;
  - (d) An all terrain vehicle will be driven on the shoulder unless there is no shoulder, the shoulder is not wide enough or the shoulder is obstructed, in which cases will be driven close to and parallel with right edge of the treated surface of the highway
  - (e) When making a left turn, an all terrain shall, when it is safe to do so, move away from the shoulder or the right edge of the roadway and be positioned on the roadway in the position from which the left turn is to be made.

4. Penalties

- 4.1 Any person who contravenes the Highway Traffic Act or its Regulations or this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act or Schedule 'A' of this by-law.

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. That this by-law shall come into force and take effect immediately upon the passing thereof by the Council of Tay Valley Township.

Read and passed this 14th day of June, 2011.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Clerk

**Tay Valley Township  
By-law No. 11-027: All Terrain Vehicles**

**SCHEDULE "A"  
Part I Provincial Offences Act  
SET FINES**

The sums to be paid as set fines are as follows:

<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Early Voluntary Payment Payable Within 7 Days</b>	<b>Set Fine</b>
1	Travelling on a highway at a speed greater than 20 kilometres per hour	s. 3.2	\$85.00	\$110.00
2	Travelling on a highway with tire studs or chains	s. 3.3. (a)	\$85.00	\$ 110.00
3	Failure to maintain visible reflective markings on all four sides of the all terrain vehicle	s. 3.3. (b)	\$85.00	\$ 110.00

**NOTE: The general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.**

**Tay Valley Township**  
**By-law No. 11-027: All Terrain Vehicles**

**SCHEDULE "B"**

**Highway Traffic Act**  
**Code de la route**

**ONTARIO REGULATION 316/03**

**OPERATION OF OFF-ROAD VEHICLES ON HIGHWAYS**

Consolidation Period: From April 18, 2011 to the e-Laws currency date.

Last amendment: O. Reg. 122/11.

*This Regulation is made in English only.*

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## PART I DEFINITIONS

### Definitions

1. In this Regulation,

“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 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;

“off-road vehicle” has the same meaning as in the *Off-Road Vehicles Act*. O. Reg. 316/03, s. 1.

## PART II OPERATION ON CLASSES OF HIGHWAYS

### Operation on highways generally prohibited

2. An off-road vehicle shall not be driven on any highway except,

- (a) as specified in this Part;
- (b) as permitted by Part IV; or
- (c) as permitted by clause 2 (2) (a) of the *Off-Road Vehicles Act*. O. Reg. 316/03, s. 2.

### Prohibited highways

3. Except as permitted by section 28, no off-road vehicle shall be driven on a highway listed in Schedule A. O. Reg. 316/03, s. 3.

### Permitted highways for ATVs

4. (1) Subject to subsection (2), no off-road vehicle shall be driven on a highway listed in Schedule B. O. Reg. 316/03, s. 4 (1).

(2) 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. O. Reg. 316/03, s. 4 (2).

### Highways in parks

5. An off-road vehicle may be driven on a highway that is within a provincial park or public park if the road authority or governing body of the park permits the operation of off-road vehicles in the park. O. Reg. 316/03, s. 5.

## PART III REGULATION OF OFF-ROAD VEHICLES ON HIGHWAYS

### Conditions for off-road vehicles to be operated on highways

6. An off-road vehicle shall not be operated on a highway unless it meets the requirements of sections 7 to 15 and it is operated in accordance with sections 16 to 24. O. Reg. 316/03, s. 6.

## EQUIPMENT REQUIREMENTS

### Weight and dimensions

7. (1) The off-road vehicle must weigh 450 kilograms or less. O. Reg. 316/03, s. 7 (1).

(2) The off-road vehicle must have an overall width not greater than 1.35 metres, excluding mirrors. O. Reg. 316/03, s. 7 (2).

### Tires

8. All the tires on the off-road vehicle must be low pressure bearing tires. O. Reg. 316/03, s. 8.

### Motor vehicle safety standards

9. The off-road vehicle must meet the motor vehicle safety standards prescribed for restricted-use motorcycles in the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada) applicable when the vehicle was manufactured. O. Reg. 316/03, s. 9.

### **Equipment configuration and performance requirements**

10. (1) If the off-road vehicle was manufactured after May 31, 1991 and before January 1, 2002, it must meet the equipment configuration and performance requirements set out in the American National Standards Institute/Specialty Vehicle Institute of America publication entitled *Four Wheel All-Terrain Vehicles ANSI/SVIA-1-1990* or *Four Wheel All-Terrain Vehicles — Equipment, Configuration and Performance Requirements ANSI/SVIA-1-2001*. O. Reg. 316/03, s. 10 (1).

(2) If the off-road vehicle was manufactured after December 31, 2001, it must meet the equipment configuration and performance requirements set out in the American National Standards Institute/Specialty Vehicle Institute of America publication entitled *Four Wheel All-Terrain Vehicles — Equipment, Configuration and Performance Requirements ANSI/SVIA-1-2001*. O. Reg. 316/03, s. 10 (2).

### **Equipment must be operating properly**

11. A component, equipment or other feature of the off-road vehicle that was part of the vehicle when manufactured and that is required by section 9 or 10 must operate properly and must not be missing, rendered partly or wholly inoperable or modified so as to reduce its effectiveness. O. Reg. 316/03, s. 11.

### **Braking system**

12. The off-road vehicle must be equipped with a service brake, parking brake and parking mechanism that comply with section 4 of the American National Standards Institute/Specialty Vehicle Institute of America publication entitled *Four Wheel All-Terrain Vehicles — Equipment, Configuration and Performance Requirements ANSI/SVIA-1-2001*. O. Reg. 316/03, s. 12.

### **Lamps**

13. (1) Despite subsection 62 (1) of the Act, the off-road vehicle must be equipped with one or two lamps that emit a white light on the front of the vehicle and one or two lamps that emit a red light at the rear of the vehicle. O. Reg. 316/03, s. 13 (1).

(2) The lamps required by subsection (1) must be lit at all times the off-road vehicle is operated on the highway. O. Reg. 316/03, s. 13 (2).

(3) The subsections of section 62 of the Act that refer to lamps required under subsections (1), (2) or (3) of that section shall be read as if referring to the lamps required under subsection (1) of this section. O. Reg. 316/03, s. 13 (3).

(4) The lamps required on the front of an off-road vehicle by subsection (1) must be aimed such that the high intensity portion of the beam is directed below the horizontal line through the centre of the lamp from which it comes, at a distance of 7.6 metres ahead of the lamp, when the vehicle is not loaded. O. Reg. 316/03, s. 13 (4).

(5) If the off-road vehicle was manufactured after January 1, 1998, it must be equipped with a stop lamp or lamps on the rear of the vehicle that emit a red light when any brake is applied. O. Reg. 316/03, s. 13 (5).

(6) A stop lamp required under subsection (5) may be incorporated with a rear lamp or may be a separate lamp. O. Reg. 316/03, s. 13 (6).

(7) The off-road vehicle must be equipped with,

(a) one yellow reflex reflector on each side at the front;

(b) one red reflex reflector on each side at the rear; and

(c) one or two red reflex reflectors on the rear. O. Reg. 316/03, s. 13 (7).

(8) The reflex reflectors required by subsection (7) must comply with the requirements of the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada) applicable when the vehicle was manufactured. O. Reg. 316/03, s. 13 (8).

### **Windshield**

14. The off-road vehicle need not be equipped with a windshield, but if it is, the windshield must satisfy the requirements prescribed for a motorcycle windshield under subsection 1 (10) of Schedule 6 to Regulation 611 of the Revised Regulations of Ontario, 1990. O. Reg. 316/03, s. 14.

### **No obstruction of view**

15. (1) There must not be any object or non-transparent material placed on or attached to the off-road vehicle that obstructs the driver's view of traffic approaching from any direction at an intersection, or of traffic approaching from the rear of the vehicle. O. Reg. 316/03, s. 15 (1).

(2) If the off-road vehicle is towing a trailer, the trailer or load must not obstruct the driver's view of traffic approaching from any direction at an intersection, or of traffic approaching from the rear of the vehicle. O. Reg. 316/03, s. 15 (2).

## **OPERATION REQUIREMENTS**

### **Permit**

16. (1) The off-road vehicle shall be operated under the authority of a permit issued under section 5 of the *Off-Road Vehicles Act* and a number plate showing the number of the permit shall be displayed on the vehicle as required under that Act. O. Reg. 316/03, s. 16 (1).

(2) Subsection (1) does not apply to an off-road vehicle operated under the authority of a permit issued under section 7 of the *Highway Traffic Act*, as provided by section 7 of the *Off-Road Vehicles Act*. O. Reg. 316/03, s. 16 (2).

### **Insurance**

17. The off-road vehicle shall be insured in accordance with section 2 of the *Compulsory Automobile Insurance Act* and section 15 of the *Off-Road Vehicles Act*. O. Reg. 316/03, s. 17.

### **Driver's licence**

18. The driver of the off-road vehicle shall hold a valid Class A, B, C, D, E, F, G, G2, M or M2 driver's licence issued under the Act unless he or she is exempt, under section 34 of the Act, from the application of section 32 of the Act. O. Reg. 316/03, s. 18.

### **Helmet**

19. The driver of the off-road vehicle shall wear a helmet that complies with section 19 of the *Off-Road Vehicles Act*. O. Reg. 316/03, s. 19.

### **Application of *Highway Traffic Act***

20. (1) Except as otherwise provided in this Regulation, the provisions of the Act and its regulations applicable to motor vehicles apply with necessary modifications to the operation of an off-road vehicle on a highway. O. Reg. 316/03, s. 20 (1).

(2) Subsection 62 (19), sections 64 and 66 and subsection 76 (1) of the Act do not apply to the operation of an off-road vehicle on a highway. O. Reg. 316/03, s. 20 (2).

### **Application of *Off-Road Vehicles Act***

21. The *Off-Road Vehicles Act* and the regulations made under that Act that apply to the operation of off-road vehicles off the highway apply with necessary modifications to the operation of an off-road vehicle on a highway. O. Reg. 316/03, s. 21.

### **Maximum speed**

22. The 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 Act 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 Act for that part of the highway is greater than 50 kilometres per hour. O. Reg. 316/03, s. 22.

### **Environmental protection**

23. (1) The off-road vehicle shall not be operated in such a manner as to,
- (a) discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment that may have an adverse effect on the environment or impair the quality of any waters; or
  - (b) contravene any conditions, restrictions and prohibitions imposed by any legislation and related regulations enacted to protect the environment. O. Reg. 316/03, s. 23 (1).
- (2) The off-road vehicle shall not be operated in such a manner that it causes or is likely to cause,
- (a) a risk to the safety of any person;
  - (b) harm or material discomfort to any person from dust, emissions or noise;
  - (c) harm, injury or damage, either directly or indirectly, to any property, flora or fauna; or
  - (d) alteration, disruption or destruction to the natural environment, including erosion damage or degradation of the right of way. O. Reg. 316/03, s. 23 (2).
- (3) The off-road vehicle shall not be driven in or through a river, stream or other watercourse on a highway if doing so would or would be likely to alter, disrupt or destroy any fish habitat. O. Reg. 316/03, s. 23 (3).

### **Rules of the road**

24. (1) The off-road vehicle shall be driven on the shoulder of the highway in the same direction as the traffic using the same side of the highway. O. Reg. 316/03, s. 24 (1).
- (2) Despite subsection (1), the off-road 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 off-road vehicle. O. Reg. 316/03, s. 24 (2).
- (3) Despite subsection (1), the off-road vehicle shall not be driven on the shoulder but shall be driven on the roadway in the same direction as the traffic using the same side of the highway if it is being driven across a level railway crossing. O. Reg. 316/03, s. 24 (3).
- (4) When driven on the shoulder of the highway, the off-road vehicle shall be driven as close to and parallel with the right edge of the shoulder as can be done practicably and safely. O. Reg. 316/03, s. 24 (4).
- (5) When driven on the roadway pursuant to subsection (2), the off-road vehicle shall be driven as close to and parallel with the right edge of the roadway as can be done practicably and safely. O. Reg. 316/03, s. 24 (5).
- (6) When entering the shoulder or the roadway, the off-road vehicle shall yield the right of way to vehicles already using the shoulder or the roadway, as the case may be, and shall enter the shoulder or roadway only when it is safe to do so. O. Reg. 316/03, s. 24 (6).
- (7) The off-road vehicle shall not be driven in the median strip of the highway. O. Reg. 316/03, s. 24 (7).
- (8) The off-road vehicle shall not be driven on any part of the highway that is designated as a construction zone under subsection 128 (8) of the Act or on any other part of the highway where construction work or highway maintenance is being carried out, unless the off-road vehicle is operating as a vehicle described in subsection 128 (13) of the Act or as a road service vehicle. O. Reg. 316/03, s. 24 (8).

(9) If part or all of the highway is closed under subsection 134 (2) of the Act, the off-road vehicle shall not be driven on any adjacent part of the highway that may be open, unless the off-road vehicle is operating as a vehicle described in subsection 128 (13) of the Act or as a road service vehicle. O. Reg. 316/03, s. 24 (9).

(10) The off-road vehicle shall not overtake and pass any moving motor vehicle or motorized snow vehicle at any time when both the off-road vehicle and the other vehicle are travelling on the same shoulder or roadway of the highway. O. Reg. 316/03, s. 24 (10).

(11) Despite subsection (10), an off-road vehicle may overtake and pass another off-road vehicle when both are travelling on the shoulder if the movement can be made in safety while remaining on the shoulder and to the left of the off-road vehicle being overtaken and passed. O. Reg. 316/03, s. 24 (11).

(12) Despite clause 142 (4) (b) of the Act, a person driving an off-road vehicle on the highway may indicate the intention to turn right by extending the right hand and arm horizontally beyond the right side of the vehicle. O. Reg. 316/03, s. 24 (12).

(13) Before commencing a left turn in the manner required by subsection 141 (5), (6) or (7) of the Act, the off-road vehicle shall, without interfering with the movement of traffic travelling in the same direction as the off-road vehicle, move away from the shoulder or from the right edge of the roadway, as the case may be, and be positioned on the roadway in the position from which the left turn is to be made. O. Reg. 316/03, s. 24 (13).

(14) Upon completing a left turn, the off-road vehicle shall, without interfering with the movement of traffic travelling in the same direction as the off-road vehicle, move back to the right edge of the roadway or shoulder, as the case may be. O. Reg. 316/03, s. 24 (14).

#### PART IV EXEMPTIONS

##### Definitions

25. In this Part,

“emergency” means a situation that constitutes a danger to life or property;

“employee” means,

- (a) a person employed in the service of the Crown or any agency of the Crown,
- (b) a police officer, conservation officer or other person appointed for the preservation and maintenance of the public peace or any officer appointed for enforcing or carrying out the provisions of this Act or the *Off-Road Vehicles Act*,
- (c) a firefighter as defined in the *Fire Protection and Prevention Act, 1997*,
- (d) an employee of an ambulance service as defined in the *Ambulance Act*,
- (e) an employee of a municipality or of a local board as defined in the *Municipal Affairs Act*,
- (f) an employee of a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, or
- (g) an employee or agent of the operator of a water, gas, electric heat, light or power works, telegraph and telephone lines, a railway, a street railway, works for the transmission of gas, oil, water or electrical power or energy or any similar works supplying the general public with necessities or conveniences. O. Reg. 316/03, s. 25.

##### Crossing a highway

26. Part III of this Regulation does not apply to a person who drives an off-road vehicle directly across a highway pursuant to clause 2 (2) (a) of the *Off-Road Vehicles Act*. O. Reg. 316/03, s. 26.

### **Farmers and trappers**

27. (1) Sections 8, 9, 10 and 18 do not apply to the operation of an off-road vehicle as described in clause 2 (2) (b) of the *Off-Road Vehicles Act* if,

- (a) the driver of the vehicle holds a driver's licence; and
- (b) the number of passengers on the off-road vehicle does not exceed the number of places on the vehicle intended for passengers. O. Reg. 316/03, s. 27 (1).

(2) Despite section 4, an off-road vehicle may be operated as described in clause 2 (2) (b) of the *Off-Road Vehicles Act* on any highway other than a highway listed in Schedule A if the conditions described in clauses (1) (a) and (b) are met. O. Reg. 316/03, s. 27 (2).

### **Public work functions**

28. (1) An employee who is acting in the course of his or her employment or in response to an emergency may operate an off-road vehicle on a highway, including a highway listed in Schedule A or B, in accordance with this Regulation despite any provision that would provide otherwise in Parts II, IV and VI of the Act. O. Reg. 316/03, s. 28 (1).

(2) Sections 8, 9, 10 and 18 do not apply to the operation of an off-road vehicle on a highway by an employee who is driving the off-road vehicle in the course of his or her employment or in response to an emergency if,

- (a) the employee holds a driver's licence; and
- (b) the number of passengers on the off-road vehicle does not exceed the number of places on the vehicle intended for passengers. O. Reg. 316/03, s. 28 (2).

(3) Section 4 does not apply to the operation of an off-road vehicle permitted under subsection (1). O. Reg. 316/03, s. 28 (3).

(4) Despite section 24, an employee who is permitted under subsections (1) and (2) to operate an off-road vehicle on a highway listed in Schedule A may only drive the off-road vehicle on a part of the highway that is not the roadway or the shoulder. O. Reg. 316/03, s. 28 (4).

### **Far northern Ontario and unorganized territory**

29. (1) A person may operate an off-road vehicle on a highway in an area of the province described in Schedule C in accordance with this Regulation despite any provision that would provide otherwise in Parts II, IV and VI of the Act. O. Reg. 316/03, s. 29 (1).

(2) Sections 9, 10, 16 and 18 do not apply to the operation of an off-road vehicle on a highway in an area of the province described in Schedule C if,

- (a) the driver of the off-road vehicle is at least 16 years old;
- (b) the driver of the off-road vehicle holds a driver's licence or a motorized snow vehicle operator's licence; and
- (c) the number of passengers on the off-road vehicle does not exceed the number of places on the vehicle intended for passengers. O. Reg. 316/03, s. 29 (2).

(3) Despite section 4, an off-road vehicle may be operated on any highway other than a highway listed in Schedule A in an area of the province described in Schedule C if the conditions described in clauses (2) (a), (b) and (c) are met. O. Reg. 316/03, s. 29 (3).