

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

BY-LAW No. 39-2015

Being a By-Law to permit the operation of “All-Terrain Vehicles” (ATV’s) on highways or road allowances under the control of the Municipality of Whitestone

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 Council of the Corporation of the Municipality of Whitestone deems it advisable to regulate the operation of All-Terrain Vehicles, being a class of Off-Road Vehicle as defined in Section 1 of Ontario Regulation 316/03, on highways within the jurisdiction of the municipality, or on any part or parts of such highways;

NOW THEREFORE the Council of the Corporation of the Municipality of Whitestone enacts as a By-Law of the Corporation as follows:

1. In this By-Law:

- (a) “All-Terrain Vehicle” means an off-road vehicle that,
 - (i) has four wheels, the tires of all of which are in contact with the ground,
 - (ii) has steering handlebars,
 - (iii) has a seat that is designed to be straddled by the driver, and
 - (iv) 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;
- (b) “Highway” means a common and public highway, street, road, avenue, laneway or bridge, any part of which is actually used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- (c) “Low Pressure Bearing Tires” means a wide, balloon-type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressure of no greater than 70KPA (10 psi).
- (d) “Multi-purpose off-highway utility vehicle” means an off-road vehicle that,
 - (i) has four or more wheels, the tires of which are all in contact with the ground,
 - (ii) has a steering wheel for steering control,
 - (iii) has seats that are not designed to be straddled, and
 - (iv) has a minimum cargo capacity of 159 kilograms;
- (e) “Off-Road Vehicle” means an off-road vehicle within the meaning of the Off-Road Vehicles Act, R.S.O. 1990. O. Reg. 316/03, s.1.;
- (f) “Recreational off-highway vehicle” means an off-road vehicle that,
 - (i) has four or more wheels, the tires of which are all in contact with the ground,
 - (ii) has a steering wheel for steering control,

- (iii) has seats that are not designed to be straddled, and
 - (iv) has an engine displacement equal to or less than 1000 cubic centimetres;
- (g) “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;
 - (h) For the purpose of expediency in the remainder of this by-law, the term All-Terrain Vehicle includes all vehicles that fall under the definition of All-Terrain Vehicle, Multi-Purpose Off-Highway Utility Vehicle, Recreational Off-Highway Vehicle contained in Section 1 of this by-law.
2. All-Terrain Vehicles with four wheels and low pressure bearing tires are permitted to be operated on the traveled portion, including the shoulder, of any highway/roadway within the municipality that is under the jurisdiction of the municipality, unless prohibited by another specific by-law.
 3. An All-Terrain Vehicle shall not be operated on highways unless it meets the equipment requirements of Section 7 to 15 of Ontario Regulation 316/03 and it is operated in accordance with Sections 16 to 24 of Ontario Regulation 316/03, S.6.
 4. The All-Terrain Vehicles 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. All applicable provisions of the Highway Traffic Act, R.S.O. 1990 as amended and Ontario Regulation 316/03 as amended shall apply to the operation of All-Terrain Vehicles on highways.

NOW THEREFORE the Council of the Corporation of the Municipality of Whitestone hereby enacts the following that All-Terrain Vehicles will be allowed on all Municipal Maintained Roads with the following provisions:

1. No person shall operate an All-Terrain Vehicle on any municipal property, namely: Community Centre property, parks, rink park, playground and beaches without written consent of the Municipality.
2. Schedule “A” attached, lists person(s) or groups or organizations exempt from any restrictions imposed by this by-law.
3. All applicable provisions of the Highway Traffic Act, R.S.O. 1990 as amended and Ontario Regulation 316/03 as amended shall apply to the operation of All-Terrain Vehicles on Municipal Highways.
4. Any person(s) who contravenes any of the provisions of this by-law is guilty of an offense and upon conviction is liable to a fine as provided for under the Highway Traffic Act and the Compulsory Automobile Insurance Act and the Provincial Offences Act.
5. That By-Law No. 04-2008 be repealed.

This by-law shall come into force and take effect upon passage by Council.

Read a First and Second time this 20th day of July, 2015.

Mayor Chris Armstrong

CAO-Clerk-Treasurer Tammy Wylie

Read a Third time and **Passed, Signed and Sealed** this 20th day of July, 2015.

Mayor Chris Armstrong

CAO-Clerk-Treasurer Tammy Wylie

Schedule “A” to By-Law No. 39-2015

The following are exempt from any restrictions imposed by this “All-Terrain Vehicle” by-law:

1. By-Law Department employees for the Municipality of Whitestone.
2. All Police Officers while performing their duties.
3. All Fire Department personnel while performing their duties.
4. All Medical Rescue personnel while performing their duties.
5. All employees of the Municipality of Whitestone while performing their duties.
6. Hydro One employees and their contractors while performing their duties.
7. Ministry of Natural Resources and Forestry employees while performing their duties.
8. Farmers, Trappers and Public Utility Workers.
9. Any person(s) or group that has written permission from the Municipality of Whitestone to operate All-Terrain Vehicles in prohibited areas.