

# **THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**

## **Off-Road Vehicle By-law 20-1514, as amended**

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### **Being a By-law to Permit Off-Road Vehicles on Municipal Roads**

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

- a) Permitting the operation of off-road vehicles or classes 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, subject to any limitations prescribed under clause (2.1) (b); and
- b) Prescribing a lower rate of speed for off-road vehicles than that prescribed for off-road 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. 2019, c. 14, Sched. 16, s. 15 (4).

**AND WHEREAS** according to Section 425 (1) of the Municipal Act, 2001, S.O., c. 25, as amended, by-laws may be passed by all municipalities and by police services boards for providing that any person who contravenes any by-law of the municipality or of the board, as the case may be, passed under this Act, is guilty of an offence.

**NOW THEREFORE** the Council of The Corporation of the Municipality of Temagami enacts as follows:

#### **I. DEFINITIONS:**

In this by-law;

**“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;

**“extreme terrain vehicle”** means an off-road vehicle that,

- (a) has six or eight wheels, the tires of which are all in contact with the ground,
- (b) has no tracks that are in contact with the ground,

- (c) has seats that are not designed to be straddled, and
- (d) has a minimum cargo capacity of 159 kilograms;

**“highway”** includes a common and 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;

**“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;

**“off-road motorcycle”** means an off-road vehicle, designed primarily for recreational use, that,

- (a) has steering handlebars,
- (b) has two wheels, the tires of which are all in contact with the ground,
- (c) has a minimum wheel rim diameter of 250 millimetres,
- (d) has a minimum wheelbase of 1,016 millimetres,
- (e) has a seat that is designed to be straddled by the driver,
- (f) is designed to carry a driver only and no passengers, and
- (g) does not have a sidecar;

**“off-road vehicle”** has the same meaning as in the *Off-Road Vehicles Act* and includes an all-terrain vehicle, extreme terrain vehicle, multi-purpose off-highway utility vehicle, off-road motorcycle, and a “recreational off-highway vehicle”

**“recreational off-road 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 an engine displacement equal to or less than 1,000 cubic centimetres;

## **II. REGULATION OF OFF-ROAD VEHICLES ON HIGHWAYS:**

1. Off-road vehicles as defined shall be permitted on all municipal roads within the Municipality of Temagami under and in accordance with Ontario Regulation 316/03 of the Highway Traffic Act and the Off-Road Vehicle Act as amended.
2. An Off-road vehicle shall not be operated on highways unless it meets the equipment requirements as defined in Section 7 to 15 of O Reg. 316/03 and it is operated in accordance with section 16 to 24 of O. Reg. 316/03 S. 6.
3. The off-road vehicle shall not be driven at a rate of speed greater than:
  - a) 20 kilometres per hour on any road if the speed limit established under the Highway Traffic Act or by Municipal Traffic By-law for any part of a highway which has a speed limit of 50km per hour or less; or

- b) 50 kilometres per hour, if the speed limit established under the Highway Traffic Act or by Municipal Traffic By-law for any part of a highway which is greater than 50 kilometres per hour.
- 4. No driver of an off-road vehicle shall operate without valid insurance coverage on said vehicle upon any municipal road or property covered by this by-law.
- 5. No driver of an off-road vehicle shall operate on any municipal road or property covered by this by-law without licensing such vehicle.
- 6. Driver must operate off-road vehicle in same direction as traffic.

### **III. GENERAL PROVISIONS OF THIS BY-LAW:**

- 1. No person shall interfere or obstruct an officer carrying out his/her duties while enforcing this by-law.
- 2. 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 or the penalty as provided in section 61 of the Provincial Offences Act R. S. O. 1990 Chapter 33 as amended from time to time, as applicable.
- 3. By-law No. 15-1257 is hereby repealed and replaced.
- 4. The Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to this by-law, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
- 5. This by-law shall come into force and take effect upon the final passing thereof.

TAKEN AS FIRST READ on this 16<sup>th</sup> day of July, 2020.

READ A SECOND AND THIRD time and finally passed this 16<sup>th</sup> day of July 2020.

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MAYOR

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CLERK