

THE CORPORATION OF THE TOWNSHIP OF ATHENS

BY-LAW #2015-11

BEING A BY-LAW TO REGULATE THE OPERATION OF ALL TERRAIN VEHICLES ON MUNICIPAL ROADS WITHIN THE JURISDICTION OF THE TOWNSHIP OF ATHENS

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 WHERAS 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 of 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.

NOW THEREFORE Council of the Corporation of the Township of Athens enacts as follows:

- 1. Definitions
 - 1.1 “All Terrain Vehicles” shall have the same meaning as defined in Ontario Regulation 316/03.
 - 1.2 “Highway” shall have the same meaning as defined in the Highway Traffic Act.
 - 1.3 “Low Pressure Bearing Tire” shall have the same meaning as defined in the Highway Traffic Act.
 - 1.4 “Off Road Vehicle” shall have the same meaning as defined in Ontario Regulation 316/03.
- 2. Regulation of All Terrain Vehicles on Highways
 - 2.1 No person shall operate an all-terrain vehicle on a highway in contravention of Ontario Regulation 316/03, made under the *Highway Traffic Act* as amended or replaced from time to time.
 - 2.2 An All Terrain 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;
 - (b) 50 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 kilometres per hour.
 - 2.3 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 or any Municipal road without a valid driver's licence.
- (c) No driver of an ATV shall operate without valid insurance coverage on said vehicle on any Municipal road.
- (d) No driver of an ATV shall operate on any Municipal road without licensing such vehicle.
- (e) Driver must operate the ATV in the same direction as traffic.
- (f) All ATV's shall travel on shoulder of road, but may operate on road if shoulder is not safe.
- (g) No person shall change or alter the exhaust system of an ATV to exceed the manufacturer's recommended decibel level.

3 General

- 3.1 Operation of all terrain vehicles shall be permitted, by by-law upon all highways under the jurisdiction of the Township of Athens.
- 3.2 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 Vehicles Act, as amended.
- 3.3 All terrain vehicles are restricted to the parking areas only of any municipal park.

4. Penalties

- 4.1 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. Where any By-Law, passed prior to this By-Law, conflicts with the terms of this By-Law, this By-law shall prevail.

5. That this by-law shall come into force and take effect upon the final passing thereof.

READ A FIRST AND SECOND TIME THIS 8th DAY OF SEPTEMBER 2015.

READ A THIRD TIME AND FINALLY PASSED THIS 8TH DAY OF SEPTEMBER 2015.

MAYOR

CLERK