

# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2015-037

### OFF-ROAD VEHICLES

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

- i) permitting the operation of off-road vehicles with three or more wheels 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 off-road vehicles with three or more wheels 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;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of Tay Valley Township enacts as follows:

#### 1. JURISDICTION

- 1.1 Off-Road Vehicles are permitted on all Highways under the jurisdiction of the Corporation of Tay Valley Township.
- 1.2 This by-law does **NOT** provide authority for:
  - a) Provincial Highways;
  - b) County of Lanark Highways;
  - c) Private Roads;
  - d) Any Highways situated outside of Tay Valley Township; or
  - e) Other Highways not under the jurisdiction of the Corporation of Tay Valley Township.

**THE CORPORATION OF TAY VALLEY TOWNSHIP  
BY-LAW NO. 2015-037**

**2. DEFINITIONS**

For the purposes of this by-law:

**2.1 “All-Terrain Vehicle”** – means an Off-Road Vehicle that, in accordance *Ontario Regulation 316/03*, as amended.

- 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; 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 behind the driver, and
    - b. is equipped with foot rests for the passenger that are separate from the foot rests for the driver.

**2.2 “Highway”** - includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, 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 “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.

**2.4 “Off-Road Vehicle”** – has the same meaning as in the *Off-Road Vehicles Act*, R.S.O. 1990, c. O.4.

**2.5 “Recreational Off-Highway 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.

**THE CORPORATION OF TAY VALLEY TOWNSHIP  
BY-LAW NO. 2015-037**

**3. GENERAL REGULATIONS**

- 3.1** Off-Road Vehicles shall not be operated on a Highway unless such vehicle meets all of the equipment requirements of Sections 7 to 15 of *Ontario Regulation 316/03*, as amended, and is operated in accordance with Sections 16 to 24 of *Ontario Regulation 316/03*, as amended.
- 3.2** In addition to 3.1 above, any Off-Road Vehicle operating on a Highway shall comply with the following provisions:
- (a) in addition to the requirements of Section 13 (7) of *Ontario Regulation 316/03*, as amended, an Off-Road Vehicle shall be equipped with a yellow reflective strip at the front; and
  - (b) an Off-Road Vehicle shall NOT have chains or studs on its tires.

**4. PENALTIES**

- 4.1** Any person who contravenes any provision of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, its Regulations, or this By-Law shall be guilty of an offence and shall be liable, upon conviction, to a fine for each offence as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33.
- 4.2** Upon registering a conviction for the contravention of any provision of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, its Regulations, or this By-Law, in addition to any other remedy and to any penalty imposed, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to the *Municipal Act, 2001*, as amended.

**5. ULTRA VIRES**

- 5.1** Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.


**6. BY-LAW REPEALED**

- 6.1** By-Laws No. 2011-027 and No. 2013-045 are hereby repealed.
- 6.2** All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.


**THE CORPORATION OF TAY VALLEY TOWNSHIP  
BY-LAW NO. 2015-037**

**7. EFFECTIVE DATE**

ENACTED AND PASSED this 8<sup>th</sup> day of September, 2015.

  
**Keith Kerr, Reeve**



  
**Amanda Mabo, Clerk**