

**BY-LAW NO. 642**

**BEING A BY-LAW TO PERMIT 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 HIGHWAYS.**

**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 WHEREAS 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 on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highways AND WHEREAS Section 4(2) of Ontario Regulation 316/03 states that All-terrain vehicles may be driven on a highway listed on 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;**

**AND WHEREAS Section 48 of Schedule B on the Ontario Regulation 316/03 states that every highway or part of a highway in a municipality on which an ATV is permitted to operate under the authority of a by-law made by the municipality under subsection 191.8(3) of the Act, but only during the months or hours specified in the by-law if the by-law limits the operation of an ATV on a highway or part of a highway within the municipality to certain months or hours;**

**NOW THEREFORE the Council of the Corporation of the Township of Baldwin enacts as follows: For the purpose of this by-law, off road vehicle shall mean all-terrain vehicle only as per the following definitions and are the only types of off road vehicles permitted on municipal highways and roads.**

**1. DEFINITIONS**

**“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, and are “low pressure bearing tire” which means a wide balloon type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70 kpa (10 psi); (pounds per square inch).**

**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; O. Reg.316/03, s.1**

**2. MAXIMUM SPEED**

**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.**

**3. EXCEPTIONS**

**No person shall operate an off-road vehicle over or upon the following area: Short Street**

**4. GENERAL PROVISIONS**

**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 Highway Traffic Act. and the Compulsory Automobile Insurance Act. This by-law shall come into force and take effect immediately upon passing by the Council of the Corporation of the Township of Baldwin.**

