

THE CORPORATION OF THE TOWNSHIP OF CARLING

BY-LAW NO. 2011-46

Being a By-law to permit the operation of "All-Terrain Vehicles" (ATV's) on highways under the jurisdiction of the Township of Carling.

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 Township of Carling 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 Township of Carling 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 a driver only and no passengers;
 - (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) "Off-Road Vehicle" means an off-road vehicle within the meaning of the *Off-Road Vehicles Act*, R.S.O. 1990.
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 within the municipality that is under the jurisdiction of the municipality.
3. An All-Terrain Vehicle shall not be operated on highways unless it meets the equipment requirements of Sections 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 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; 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.
6. No person shall operate an All-Terrain Vehicle:
 - a) Over or upon the following areas, with the exception of recognized parking areas:
 - (i) All municipal parks, beaches and boat launch areas.
 - (ii) All municipal recreation areas.
 - (iii) All municipal designated trails.
 - (iv) On any private property without the consent of the owner.
 - (v) On any municipal public property without the consent of the municipality.
7. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
8. Any person operating an All Terrain Vehicle in contravention of this by-law shall be guilty of an offence and subject to the penalties provided by law.
9. This by-law shall be enforced by both the By-law Enforcement Officer and the local O.P.P. (Ontario Provincial Police) who shall be designated as an agent under the Trespass To Property Act.
10. This by-law shall come into force and take effect on December 12, 2011.

READ and FINALLY PASSED in OPEN COUNCIL this 12th day of December, 2011.


Gord Harrison, Mayor


Stephen Kaegi, CAO/Clerk