

**THE CORPORATION OF THE
TOWNSHIP OF MCGARRY**

By-law No. 2015-26

BEING a By-law to govern and regulate the operation of Off-Road Vehicles on any highway 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, subsection (3), Chapter H. 8, as amended, provides that the Council of a municipality may pass by-laws permitting the operation of off-road vehicles with three or more wheels on any highway (roadway) within the municipality that is under the jurisdiction of the municipality or on any part or parts of such highways;

AND WHEREAS the Council of the Corporation of the Township of McGarry deems it in the best public interest to govern and regulate the operation of off-road vehicles within the Municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MCGARRY HEREBY ENACTS AS FOLLOWS:

1. **DEFINITIONS** for the purpose of this By-law:
 - a) **“highway”** includes a common and public highway (roadway), 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.
2. **THAT** the following off-road vehicles as defined in Section 1 of O. Reg. 316/03 as amended by O. Reg. 135/15 be permitted on highways as defined in the Highway Traffic Act R.S.O. 1990, chapter H.8.:

“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;

“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 centimeters.

“all terrain 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 steering handlebars,
- c) Has a seat that is designed to be straddled by the driver and
- d) Is designed to carry,
 - a. A driver and no passengers
 - b. A driver and only one passenger if the vehicle:
 - i. Has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
 - ii. Is equipped with foot rests for the passenger that are separate from the foot rests for the driver.

3. **THAT** off road vehicles, as defined, shall be permitted on highways (roadways) as defined in the Highway Traffic Act R.S.O. 1990, Chapter H.8.
4. **THAT** off-road vehicles shall not travel at a rate of speed greater than:
 - a) 20 km/h on highways where the speed limit is established under the Highway Traffic Act or by municipal by-law at 50 km/h or less,
 - b) 50 km/h on highways where the speed limit is established under the Highway Traffic Act or by municipal by-law greater than 50 km/h.
5. **THAT** off-road vehicles shall not be permitted to travel on municipal roads except between the hours of 7:00 a.m. to 11:00 p.m.
6. **THAT** within the Township of McGarry, off-road vehicles may travel along the shoulders of highways (roadways), moving if need be to the traveled portion of highway if the shoulder is impassable or unsafe, in the same direction as general traffic, and in accordance with O. Reg. 316/03, s. 26, as amended by O. Reg. 135/15.
7. **THAT** off-road vehicles may not travel on the following highways or areas within the Township of McGarry:
 - a) any rail, hydro or pipeline rights-of-way,
 - b) against the direction of general traffic,
 - c) in a construction zone,
 - d) on a closed highway,
 - e) within a provincial park,
 - f) on any private property without consent of the owner,
 - g) on any sidewalk,
 - h) on any municipally maintained land as parks or playgrounds.
8. **THAT** an off-road vehicle shall not be operated on a highway (roadway) unless it meets all the equipment and operation requirements of O. Reg. 316/03 as amended by O. Reg. 135/15.
9. **THAT** No person shall operate an off-road vehicle in such a way as to disrupt or destroy the natural environment including fish habitats, flora or fauna as in accordance with O. Reg. 316/03, as amended by O. Reg. 135/15 and any person who contravenes this provision is guilty of an offence against the environment and, upon conviction, is liable to a fine as provided for under the Highway Traffic Act and the Environmental Protection Act.
10. **THAT** 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.
11. **THAT** all other By-laws and resolutions or parts thereto, contrary hereto or inconsistent herewith be and the same are hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 11th DAY OF AUGUST 2015.


MAYOR


CLERK/TREASURER