

**THE CORPORATION OF THE TOWNSHIP OF
HAVELOCK-BELMONT-METHUEN**

BY-LAW 2016 - 18

Being a by-law to regulate the Operation of Off-Road Vehicles on Municipal
Highways in the Township of Havelock-Belmont-Methuen

WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8, subsection (3) provides that a Council of a municipality may pass by-laws: permitting the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality, or on any parts of such highway; to prescribe a lower rate of speed for off-road vehicles with three or more wheels and low pressure bearing tires than that prescribed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction; and where Subsection (4) provides that by-laws may regulate times of operation on any highway or parts of highway only during specified months or hours;

AND WHEREAS the Council of the Corporation of the Township of Havelock-Belmont-Methuen deems it desirable to enact such a By-law for Off-Road Vehicles as defined in Section 1 of Ontario Regulation 316/03, as amended by O. Reg. 135/15:

AND WHEREAS the purpose of the by-law is to provide access to link an off-road vehicle riders home or accommodation to the ATV trail, from trail to trail, and from ATV trail to economic services including food, fuel, supplies and service;

NOW THEREFORE BE IT RESOLVED that the Council of the Township of Havelock-Belmont-Methuen hereby enacts as follows:

Definitions:

1. Definitions of Off-road Vehicles:

1.1 "all-terrain vehicle" means an off-road vehicle that:

- a) has four 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:
 - i. driver only and no passengers, or
 - ii. a driver and only one passenger, if the vehicle,
- has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and

- is equipped with foot rests for the passenger that are separate from the foot rests for the driver.
- 1.2 "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.
- 1.1 "off-road vehicle" has the same meaning as in the Off-Road Vehicles Act: means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel
- a. On not more than three wheels, or
 - b. On more than three wheels and being of a prescribed class of vehicle.
- 1.4 "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.
- 1.5 "seat belt assembly" means a device or assemble composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person O.Reg. 316/03, s.1 and O.Reg. 135/15, s.1.
- 1.6 "highway" means a common and public highway, street, avenue, parkway and driveway, any part of which is intended for or used by the public for the passage of vehicle and includes the area between the lateral property lines thereof.

2. Regulation of Off-Road Vehicles on Highways

- 1. Operation of an Off-road Vehicle shall be permitted on highways (streets) under the jurisdiction of the Township of Havelock-Belmont-Methuen, as defined in the Highway Traffic Act R.S.O. 1990, Chapter H.8, which are described in Schedule "A" of this by-law.
- 2. That the Off-road Vehicle shall not be driven at a rate of speed greater than;

- a) 20 km/hr if the speed established under the Highway Traffic Act or by municipal by-law for that part of the highway is not greater than 60 km/hr;
or
- b) 50 km/hr if the speed limit established under the Highway Traffic Act or by municipal by-law for that part of the highway is greater than 60 km/hr.

- 3. An Off-road Vehicle shall not be operated on highways unless it meets the equipment requirements of Section 7-15 of Ontario Regulation 316/03 and 135/15 and is operated in accordance with Sections 16-24 of Ontario Regulations 316/03 and 135/15.
- 4. An Off-road Vehicle shall not be permitted to travel on a municipal highway if the exhaust system has been altered over the manufacturer's recommended decibel level.
- 5. An Off-road Vehicles shall not be permitted to travel on municipal roads between 9:00 p.m. and 8:00 a.m.
- 6. No person shall operate an Off-road Vehicle over and upon any municipal owned or municipal maintained land used as parks, playgrounds or for utility purposes.

The exception to this Section 6 is the Mathison Property. Use of this municipally owned property is governed by the provisions of the stand-alone municipal policy No. 24 which provides the municipal conditions for the use of properties known as the Mathison Conservation Lands, as amended June 16, 2014.

- 7. Helmets are required on all municipal highways along with a valid driver's licence and insurance.
- 8. Travel must be in the same direction as traffic and Off-road Vehicles must travel on the shoulder of the road, but may travel on the road only if the shoulder is unsafe.
- 9. This by-law does not apply to police, fire, ambulance, search and rescue or other emergency vehicles.

3. Penalties

- 1. That any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction, where a fine for the contravention is not otherwise provided under the Highway Traffic Act, is liable to a fine under the Provincial Offences Act.

4. Schedule

1. Schedule "A" attached hereto shall be deemed to be an integral part of this By-law.

5. Term

1. This by-law will have effect for a five (5) year from the date of passage unless rescinded at an earlier date by the Council of the Township of Havelock-Belmont-Methuen.

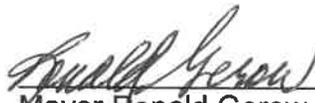
6. Repeal Section

1. That By-law 2010-17, and amending By-law 2015-30 extending the term of By-law 2010-17, are hereby rescinded.

7. Date of Enactment

1. That this by-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Township of Havelock-Belmont-Methuen.

Read a FIRST, SECOND and THIRD time and finally passed in open Council this 7th day of March, 2016.



Mayor Ronald Gerow

Clerk Glenn Girven

Schedule "A"

As per Section "2.1" of the by-law, Off-road Vehicles shall be permitted on all municipally owned and maintained roads in the former Village of Havelock; on all municipally owned and maintained roads in Belmont Township; and on all municipally owned and maintained roads in Methuen Township which lie south of the line between Lots 20 and 21, with the exception that Sandy Lake Road is permitted to be traveled in its entirety.

County roads are under the jurisdiction of the County of Peterborough and **are not included in this by-law.**

