

**THE CORPORATION OF THE TOWNSHIP OF CARLOW/MAYO**

**BY-LAW NO: 28-2004**

**Being a By-Law to amend By-Law No: 12-2004 to regulate the operation of Off-Road Vehicles on municipal highways within the Corporation of the Township of Carlow/Mayo**

**WHEREAS** Pursuant to Section 191.8 (3) of the Highway Traffic Act, R.S.O. 1990, c H.8, as amended the Council of a Municipality may pass by-laws,

- (a) 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 part or parts of such highway,
- (b) prescribing 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, including prescribing different rates of speed for different highways or parts of highways.

**AND WHEREAS** the Council of the Corporation of the Township of Carlow/Mayo has deemed it appropriate to enact a by-law to permit All-Terrain Vehicles on highways under the jurisdiction of the Municipality (subject to the terms and provisions of this By-law) but to prohibit other types of Off-Road Vehicles on municipal highways;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CARLOW/MAYO ENACTS AS FOLLOWS:**

**DEFINITIONS**

- 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 handlebar,
    - (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;
  - (a) “highway” means a common and public highway under the jurisdiction of the Municipality and includes any bridge, trestle, via-duct or other structure forming part of such highway and includes a portion of a highway;
  - (b) “Low Pressure Bearing Tire” 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);
  - (c) “Municipality” means the Corporation of the Township of Carlow/Mayo;
  - (e) “Off Road Vehicle” means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,
    - (i) on not more than three wheels; or
    - (ii) on more than three wheels and being a prescribed class of vehicle.

**PROHIBITION AND REGULATION OF OFF-ROAD VEHICLES ON HIGHWAYS**

- 2. No Off-Road Vehicle shall be operated on a highway except as provided in Section 3 of this By-law;

3. No All-Terrain Vehicle shall be permitted on any highway unless:
  - (i) the All-Terrain Vehicle meets the equipment requirements of Sections 7 to 15 of Ontario Regulation 316/03 as amended from time to time;
  - (ii) the permits, insurance and licence referred to in Sections 16 to 18 inclusive of Ontario Regulation 316/03 have been obtained;
  - (iii) the driver of the All-Terrain Vehicle is wearing a helmet that complies with Section 19 of the Off Road Vehicles Act, R.S.O. 1990, c.O.4, as amended from time to time;
  - (iv) the All-Terrain Vehicle is driven and operated in accordance with Sections 20 to 24 of Ontario Regulation 316/03;
  - (v) the All-Terrain Vehicle is being driven by one person and there are no passengers on the All-Terrain Vehicle;
  
4. No All-Terrain Vehicle shall be driven on a highway at a rate of speed greater than,
  - (a) 20 kilometres per hour, if the speed limit established under the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended or by by-law of the Municipality for that part of the highway is 50 kilometres per hour or less;  
or
  - (b) 50 kilometres per hour, if the speed limit established under the said Highway Traffic Act or by by-law of the Municipality for that part of the Highway is greater than 50 kilometres per hour.

**PENALTIES**

5. Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990 c.P.33 as amended.

**EFFECTIVE DATE**

6. This By-Law shall come into force and take effect on the day of its passing and shall remain in effect until otherwise amended or repealed.

Read a first, second and third time and finally passed this 5th day of October, 2004.

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David Panabaker  
Reeve

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Arlene Cox  
Clerk-Administrator