

CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 27 -2004

BEING A BY-LAW TO REGULATE THE USE OF OFF ROAD VEHICLES.

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-law permitting the operation of off-road vehicles must be four (4) 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 highways;

AND WHEREAS the Council of the Corporation of the Township of Melancthon deems it in the best public interest to regulate, govern or prohibit the operation of off road vehicles within the Municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MELANCTHON ENACTS AS FOLLOWS:

PART 1 - DEFINITIONS

- a) **"Highway"** means a highway as defined in the Highway Traffic Act, R.S.O. 1990
- b) **"All Terrain Vehicle"** means an off road vehicle that,
 - (i) has four wheels, the tires of all 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;
- c) **"Off Road Vehicle"** has the same meaning as in the "Off Road Vehicles Act".
- d) **"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); (pounds per square inch).
- e) **"Sidewalk"** means a path or strip of land paved or otherwise in, on or alongside a highway and designed and intended for use by the general public for pedestrian travel. In addition, sidewalk includes any property that is or hereafter may be physically set apart or made available and intended for pedestrian use.
- f) **"Private Property"** includes developed Municipally-owned property, Church property and School Board property, Hospital and Home for Aged property or Cemetery Board property.
- g) **"Publicly Owned Property"** includes land or premises under the control and management of the Corporation of the Township of Melancthon

PART 2 - GENERAL OPERATION

1. All terrain vehicles may be driven on all highways within the Corporation of the Township of Melancthon save and except those specified in section 3 herein; only if, in addition to meeting the requirements of this by-law and Part III of Ontario Regulation 316-03, there is only one driver and no passenger on the all-terrain vehicle at the time.

2. Off road vehicles shall be prohibited from travelling in, over or upon the following roads within the Township of Melancthon:
 - *within the Hamlets of Horning's Mills, Corbetton and Riverview after 8:00 p.m. on weekdays and weekends*

3. No person shall operate an Off Road Vehicle over or upon the following areas:
 - a) On any municipal property, i.e. Community Centre, Parks, Playgrounds
 - b) On any sidewalk within the Township of Melancthon
 - c) Subsection (a) does not apply to members of the Ontario Provincial Police or to anyone with specific authorization from Council for a specific event.

4. No person shall operate an off road vehicle in or on any publicly owned property within the boundaries of Melancthon Township unless:
 - a) authorized by the Melancthon Township Municipal Council
 - b) on authorized posted trails

5. No person shall operate an off road vehicle within 100 metres of any school property, in the Township of Melancthon , except if their permanent residence is situated within that area.

6. The operator of an off road vehicle shall ensure:
 - a) That when towing a trailing device, that the said trailing device shall be equipped with a rigid hitch and shall be fastened securely to the off road vehicle.
 - b) That all trailing devices shall meet all requirements in accordance with the Highway Traffic Act and the Off Road Vehicle Act.

PART 3 - OFFENCES

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 of no less than ninety dollars (\$90.00) and not more than two thousand (\$2000.00) exclusive of costs, for each offence.

This by-law shall come into force and take effect immediately upon the passing thereof and proclamation of all legislation that pertains to the Highway Traffic Act and by the Council of the Corporation of the Township of Melancthon.

READ A FIRST AND SECOND TIME THIS *3rd* DAY OF *June*, 2004.

Caryn Maitland
 REEVE

Jessie S. Hoernes
 CLERK

READ A THIRD TIME AND FINALLY PASSED THIS *3rd* DAY OF *June*, 2004.

Caryn Maitland
 REEVE

Jessie S. Hoernes
 CLERK