THE CORPORATION OF THE TOWNSHIP OF AUGUSTA
BY-LAW NO 3242-2016

A By-Law to Regulate the Operation of All Terrain Vehicle's (ATV) on Municipal Roads

WHEREAS the Council of the Corporation of the Township of Augusta deems it appropriate to pass a by-law to regulate, govern and limit the operation of All-Terrain Vehicles (ATVs) on Municipal Roads within the Township of Augusta;

AND WHEREAS the *Highway Traffic Act,* 1990, as amended, and Ontario Regulation 316/03 authorizes municipalities to pass by-laws permitting ATVs to be operated on highways or part of highways within the municipality and during specific months and hours as set out;

NOW THEREFORE the Council of the Corporation of the Township of Augusta enacts as follows:

SECTION 1: DEFINITIONS

In this By-Law:

1.1. "For the Purpose of this By-Law, the term 'All-Terrain Vehicle' (ATV) will be referred to and include: All-Terrain Vehicles, Multi-Purpose Off Highway Utility Vehicle, Off Road Vehicle, and Recreational Off Highway Vehicles. And shall all have the same meaning as that defined in the Highway Traffic Act Ontario Regulations 316/3.

1.2 "Highway" includes a common and open public highway, 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.

1.3 "Roadway" means the part of the highway that is improved, designed, or ordinarily used for vehicle traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not all of the roadways collectively.

1.4 "County Roads" means the highways under the jurisdiction of the United Counties of Leeds and Grenville or another municipality and are not a part of this By-Law, and the use of those highways by ATVs shall be governed by their applicable Acts or By-Laws.

1.5 Where not elsewhere specified in this By-Law, all definitions shall be the same as those in the Municipal Act and Highway Traffic Act, Off Road Vehicle Act and their regulations, as applicable.

SECTION 2: REGULATIONS

2.1 The operation of ATVs shall be permitted upon the highways under the jurisdiction of the Corporation of the Township of Augusta as listed in Schedule "A" in accordance with the provisions of this by-law and in

accordance with Ontario Regulation 316/03 of the *Highway Traffic Act,* the *Off Road Vehicle Act,* including, but not limited to the following:

a) All tires on the ATV are low pressure bearing tires;
b) The ATV must meet the Motor Vehicle Safety Standards prescribed for restricted-use motorcycles in the Motor Vehicle Safety Regulations made under the *Motor Vehicle Safety Act;*
c) The ATV must be equipped with a brake in accordance with Ontario Regulations 316/06;
d) The ATV must be equipped with one or two lamps that emit a white light on the front of the vehicle and one or two lamps that emit a red light at the rear of the vehicle and must be lit at all time when operating on the highway;
e) The ATV must be operated under the authority of a permit issued under Section 5 of the *All-Terrain Vehicles Act* and a number plate showing the number of the permit clearly displayed;
f) The ATV shall be insured in accordance with Section 2 of the *Compulsory Automobile Insurance Act* and Section 15 of the *All-Terrain Vehicles Act;*
g) The driver of the ATV shall hold a valid Class A, B, C, D, E, F, G, G2, M or M2 driver's licence, unless exempt under the *Act;*
h) All riders -- including drivers and passengers of all ages -- must wear a helmet and use a seatbelt or foot rests, where applicable. Helmets must comply with Section 19 of the *All-Terrain Vehicles Act;*
i) The ATV shall not be driven at a rate of speed greater than,
   a) 20 kilometres per hour, if the speed limit established under the Act 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 Act for that part of the highway is greater than 50 kilometres per hour. O.Reg. 316/03 s.22
j) The ATV shall be driven on the shoulder of the highway in the same direction as the traffic using the same side *of* the highway, except where there is no shoulder or the shoulder is obstructed, or is not wide enough to allow the ATV to be driven with all of its tires remaining completely off the roadway in which case the ATV may be driven on the roadway.

2.2 The operation of ATVs shall be permitted only during the hours specified in Schedule"B"

SECTION 3: GENERAL

3.1 Schedule A and B attached forms part of this by-law.

3.2 Any person who contravenes any section of this by-law is guilty of an offence and upon conviction is liable to a fine as provided in the *Provincial Offences Act.*

3.3 The Clerk of the Township of Augusta is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatical, semantic or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

3.4 It is declared that notwithstanding that any section of this by-law or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of the council to enact, such section(s) or part(s) hereof shall be deemed to be severable and that all other sections or parts of this by-law are separate and independent there from and enacts as such.

3.5 All by-laws or parts of by-laws or motions heretofore passed and being inconsistent with the provisions hereof, are hereby repealed.

3.6 This by-law will be reviewed on an annual basis to evaluate that it is still relevant and remains in compliance with current legislation.

3.7 This by-law shall come into effect on the date of passing.

READ a first time and second time this 12th day of September, 2016

READ a third and final time and passed this 12th day of September, 2016.

MAYOR

CLERK

THE CORPORATION OF THE TOWNSHIP OF AUGUSTA

SCHEDULE "A" TO BY-LAW 3242 -2016

All-Terrain vehicles (ATVs) shall be permitted on all highways within the Township of Augusta under the jurisdiction of the Township of Augusta. This authority shall not extend to highways under the jurisdiction of the United Counties of Leeds and Grenville or the King's Highway (i.e. #416)

Notwithstanding the above, ATVs shall generally not be permitted within any Rural Residential subdivision. Signage shall be installed indicating the limit of the built up areas where ATV use shall be restricted. The only exception to this shall be the opportunity to travel into Hamlet areas to commercial establishments for fuel and food.

THE CORPORATION OF THE TOWNSHIP OF AUGUSTA

SCHEDULE "B" TO BY-LAW 3242 -2016

All-Terrain vehicles (ATVs) shall be permitted on all roads within the Township of Augusta under the jurisdiction of the Township of Augusta during the following periods:

- One half *(1/2)* hour before sunrise to one half *(1/2)* hour after sunset