

**THE CORPORATION OF THE TOWNSHIP OF FARADAY**

**BY-LAW NO. 25 -2015**

**BEING** a By-Law to regulate the operation of off-road vehicles on Municipal Highways within the Corporation of the Township of Faraday.

**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 rate 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, or on any part or parts of such 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 Faraday has deemed it appropriate to enact a by-law to permit Multi Purpose Off-Highway Utility Vehicles; Recreational Off-Highway Vehicles, All-Terrain Vehicles and Off-Road Vehicles on highways under the jurisdiction of the Municipality (subject to the terms and provisions of this By-Law);

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF FARADAY ENACTS AS FOLLOWS:**

- 1. In this By-Law:
  - (a) **"Multi-Purpose Off-Highway Utility Vehicle"** means an off-road vehicle that,
    - (i) Has four or more wheels, the tires of which are all in contact with the ground,
    - (ii) Has a steering wheel for steering control,
    - (iii) Has seats that are not designed to be straddled, and
    - (iv) Has a minimum cargo capacity of 159 kilograms;
  - (b) **"Recreational Off-Highway Vehicle"** means an off-road vehicle that,
    - (i) Has four or more wheels, the tires of which are all in contact with the ground,
    - (ii) Has a steering wheel for steering control,
    - (iii) Has seats that are not designed to be straddled, and
    - (iv) Has an engine displacement equal to or less than 1,000 cubic centimetres;
  - (c) **"All-Terrain Vehicle"** means an off-road vehicle that,
    - (i) Has four wheels, the tires of which are all 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,
      - (i) A driver only and no passengers, or
      - (ii) A driver and only one passenger, if the vehicle,
        - (a) Has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
        - (b) Is equipped with foot rests for the passenger that are separate from the foot rests for the driver;

- (d) **"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;
  - (ii) On more than three wheels and being a prescribed class of vehicle;
- (e) **"Seat Belt Assembly"** means a device or assembly 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;
- (f) **"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;
- (g) **"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);
- (h) **"Municipality"** means the Corporation of the Township of Faraday;

**PROHIBITION AND REGULATION OF MULTI-PURPOSE, RECREATIONAL AND ALL-TERRAIN OFF-ROAD VEHICLES ON HIGHWAYS**

- 2. No Multi-Purpose, Recreational, All-Terrain or Off-Road Vehicle shall be operated on a highway except as provided in Section 3 or this By-Law;
- 3. No Multi-Purpose, Recreational, All-Terrain or Off-Road Vehicle shall be permitted on any highway unless:
  - (i) The Multi-Purpose, Recreational, All-Terrain or Off-Road Vehicle meets the equipment requirements of Section 7 to 15 of Ontario Regulation 316/03 and as amended by Ontario Regulation 135/15;
  - (ii) The permits, insurance and licence referred to in Section 16 to 18 of Ontario Regulation 316/03 and as amended by Ontario Regulation 135/15;
  - (iii) The driver of the Multi-Purpose, Recreational, All-Terrain or Off-Road Vehicle is wearing a helmet that complies with Section 19 of Ontario Regulation 316/03 and as amended by Ontario Regulation 135/15;
  - (iv) The Multi-Purpose, Recreational, All-Terrain or Off-Road Vehicle is driven and operated in accordance with Section 20 to 24 of Ontario Regulation 316/03 and as amended by Ontario Regulation 135/15
- 4. No Multi-Purpose, Recreational, All-Terrain or Off-Road 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 Act for that part of the highway is not greater than 50 kilometers per hour; or
  - (b) 50 kilometres per our, if the speed limit established under the Act for the part of the highway is greater than 50 kilometres per hour

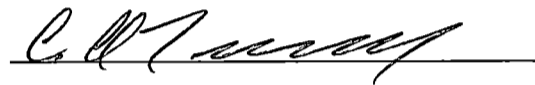
**PENALTIES**

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.
7. That this By-laws repeals all previous By-Laws and / or Motions of Council pertaining to same

**Read a First, Second and Third time and finally passed this the 8<sup>th</sup> Day of July, 2015**



C. A. Tinney – Reeve



Brenda Vader – Clerk