

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2020-60

Being A By-law To Regulate The Operation Of Off-Road Vehicles On Municipal Highways Within The Municipality Of Tweed and to Repeal By-law No. 2017-16.

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 permitting the operation and regulating the rate of speed of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;

AND WHEREAS pursuant to Section 191.8 (4) of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, a by-law passed under subsection 191.8 (3) of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, may permit the operation of off-road vehicles on any highway or on any part or parts of a highway only during specified months or hours;

AND WHEREAS *Ontario Regulation 316/03*, as amended, now expands the types of Off Road Vehicles permitted on highway to include All Terrain Vehicles (ATV's), Side-by-Sides (ROV's), Extreme Terrain Vehicles (XTV's), and Off-Road Motorcycles (ORM's) on highways if the municipal by-law passed pursuant to Section 191.8 of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, specifically permits said class of vehicles;

AND WHEREAS the Council of the Corporation of the Municipality of Tweed deems it expedient to pass a by-law to regulate the operation of off-road vehicles on highways under the jurisdiction of the municipality;

NOW THEREFORE the Council of the Corporation of the Municipality of Tweed enacts as follows:

1. Definitions

- 1.1 'Municipality' shall mean the Corporation of the Municipality of Tweed.
- 1.2 'All Terrain Vehicle' shall mean an off-road vehicle that:
 - a) has four wheels, the tires of which are 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 a driver:
 - i. a driver only and no passengers, or
 - ii. 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 footrests for the passenger that are separate from the footrests for the driver.
- 1.3 'Extreme Terrain Vehicle' shall mean an off-road vehicle that:
 - a) has six or eight wheels, the tires of which are all in contact with the ground;
 - b) has no tracks that are in contact with the ground;
 - c) has seats that are not designed to be straddled; and
 - d) has a minimum cargo capacity of 159 kilograms.
- 1.4 'Highway' shall include a common and public highway, street, avenue, parkway, and driveway, any part of which is maintained by and under the jurisdiction of the municipality and which is used by the general

public for the passage of vehicles and includes the area between the lateral property lines thereof.

- 1.5 'Multi-Purpose Off-Highway Utility Vehicle' shall mean 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.
- 1.6 'Off-Road Motorcycle' shall mean an off-road vehicle, designed primarily for recreational use, that:
- a) has steering handlebars;
 - b) has two wheels, the tires of which are all in contact with the ground;
 - c) has a minimum wheel rim diameter of 250 millimetres;
 - d) has a minimum wheelbase of 1,016 millimetres;
 - e) has a seat that is designated to be straddled by the driver;
 - f) is designed to carry a driver only and no passengers; and
 - g) does not have a sidecar.
- 1.7 'Recreational Off-Highway Vehicle' shall mean 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.
- 1.8 'Off Road Vehicle' shall mean an off-road vehicle within the meaning of the *Off-Road Vehicles Act, R.S.O. 1990, c. O.4*, as amended, and *Ontario Regulation 316/03: Operation of Off-Road Vehicles on Highways*.

2. Operation Requirements

1. All-Terrain Vehicles, Extreme Terrain Vehicles, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles and Off-Road Motorcycles shall not be operated on a highway unless a permit under Section 5 of the *Off-Road Vehicles Act, R.S.O. 1990, c. O.4*, as amended, has been issued in respect of that vehicle and a number plate showing the number of the permit is displayed on the vehicle.


3. Regulation Of All Off-Road Vehicles


- 3.1 All-Terrain Vehicles, Extreme Terrain Vehicles, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles and Off-Road Motorcycles shall be permitted on all municipal roads and highways within the Municipality of Tweed provided that all drivers and passengers of said vehicles comply with *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, the *Off-Road Vehicles Act, R.S.O. 1990, c. O.4*, as amended, and all other Federal or Provincial laws or any regulations made under them, as amended, or Municipal By-laws, as amended, or replaced from time to time.
- 3.2 All-Terrain Vehicles, Extreme Terrain Vehicles, Multi-Purpose Off-Highway Utility Vehicles, Recreational Off-Highway Vehicles and Off-Road Motorcycles shall not be driven 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

- Municipal By-law 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 *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, or by Municipal By-law for that part of the highway is greater than 50 kilometres per hour.
- 3.3 All-Terrain Vehicles, Extreme Terrain Vehicles, Multi-Purpose Off Highway Utility Vehicles, Recreational Off-Highway Vehicles and Off-Road Motorcycles shall not be operated on any highways between the hours of 11:00 p.m. and 6:00 a.m. of the next day;
4. General
- 4.1 Operation of all off-road vehicles shall be permitted, by By-law, upon the highways under the jurisdiction of the Corporation of the Municipality of Tweed, with the exception of that highway designated as the Connecting Link, being Victoria Street, within the boundaries of the Village of Tweed.
- 4.2 Operation of all off-road vehicles shall be permitted on the extreme right-hand side of the highway road surface only and in accordance with *Ontario Regulation 316/03*, as amended, of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, and the, *Off-Road Vehicles Act, R.S.O. 1990, c. O.4*, as amended.
5. Penalties
- Any person who contravenes any section of this By-law is guilty of an offence and, upon conviction, is liable to a fine. The penalties provided under the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, shall apply to offences against this By-law.
6. By-law No. 2017-16 is hereby repealed in its entirety.
7. This By-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Municipality of Tweed.

Read a first, second, and third and final time, passed, signed, and sealed in open Council this 9th day of December, 2020.


MAYOR


CLERK



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