

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW No. 2005-20

BEING a by-law to regulate the operation of All Terrain Vehicles on municipal highways within the Township of South Stormont.

WHEREAS the *Municipal Act, 2001*, c. 25 S. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25 S. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS pursuant to Section 191.8 (3) of the *Highway Traffic Act, RSO 1990*, c H.8, as amended, the Council of a Municipality may pass by-laws 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;

AND WHEREAS it is deemed in the best interest to regulate, govern, limit or prohibit the operation of off road vehicles within the municipality.

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

I. Definitions:

In this by-law:

"All-Terrain Vehicle" shall mean an off-road vehicle that;

- (a) has four wheels, the tires of all 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 only and no passengers.

"Highway" shall include a common and 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.

"Off-Road Vehicle" shall mean an off-road vehicle within the meaning of the *Off-Road Vehicles Act O. Reg. 316/03, s.1.*

II. Regulation of All-Terrain Vehicles on Highways

1. No person shall operate an Off Road Vehicle described as "All-Terrain Vehicles" on Highways unless it meets the equipment requirements of Section 7 to 15 of O. Reg. 316/03 and it is operated in accordance with sections 16 to 24 of O. Reg. 316/03, s.6. except for Township Highways described as follows:
 - (i) north of the Highway 401 from the west Township boundary easterly to where Highway 401 crosses County Road 36;
 - (ii) north of County Road 36 east of the Highway 401 overpass to County Road 18; and
 - (iii) all roads north of County Road 18 from the intersection of County Roads 18 and 36 easterly to the eastern Township boundary.

2. Application can be made to have Township Highways or portions thereof located outside the endorsed area included as approved Highways for the operation of All Terrain Vehicles, as listed in Schedule "A", attached hereto.
3. Township Highways listed in Schedule "A" must:
 - (i) conform to Township policy outlined in Schedule "B"; and
 - (ii) must be included in a formal application form attached as Schedule "C".

III. General:

1. Operation of All-Terrain Vehicles shall be permitted by By-Law upon the Highways in the Township of South Stormont, as approved by sections 1 and 2, and in accordance with Ontario Regulation 316/03 of *the Highway Traffic Act* and *the Off Roads Vehicle Act*, as amended.
2. Whereas final approval for inclusion of additional Highways shall be issued at the discretion of Council in accordance with the general criteria as set out in Schedule "B" and the intent of the By-law.

IV. Penalties:

1. 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 for in the *Provincial Offences Act*.

V. Effective:

1. 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 and passed in open Council, signed and sealed this 9th day of March, 2005.

Mayor

Clerk

Schedule “B” to By-law No. 2005-20

Criteria to permit All Terrain Vehicles to utilize additional Township Highways:

- (i) A formal written request must be submitted.
- (ii) All crossings of a Township Highway perpendicular to the traffic shall be permitted.
- (iii) Signage shall be provided by the group/person requesting the additional Highway or portion thereof.

Checklist for evaluating requests for All Terrain Vehicle use of Township Highways outside of approved area:

Road segment being considered: _____

Group/Person making application: _____

		YES	NO
1.	Written request received.		
2.	Highway Section is a small portion of rural road that joins segments of ATV trail, or provides part of the route to a place of commerce using the shortest possible length of Township Road		
3.	The Highway Section(s) form(s) part of a recognized trail		
4.	The Highway Section has measurable stopping sight distances that are recognized for speed limit plus 10 km/h (see below).		
5.	The Group/Person has agreed to provide and erect the appropriate signing in accordance with the Ontario Traffic Manual.		

The answer of NO to any of the above questions may exclude that section from consideration.

Signing of all Highway segments shall include 60 cm X 60 cm reflective warning signs with the ATV symbol.

Stopping sight distance (for use with 4 above)

Posted Speed Distance (for posted speed plus 10 km/h)

50 km/h	85 m (60 km/h)
60 km/h	110 m (70 km/h)
70 km/h	140 m (80 km/h)
80 km/h	170 m (90 km/h)

TOWNSHIP OF SOUTH STORMONT

Permit Application for Additional Highway Approval
(pursuant to By-law No. 2005-20)

Application Date: _____

Applicant Information:

Name: _____

Phone: _____

Fax: _____

Email: _____

Highway Section(s) Requested

Township Highway	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____

It is the policy of the Township of South Stormont to permit All Terrain Vehicles use of Township of South Stormont Highway, when the following conditions are met:

1. Written request received.
2. Highway Section is a small portion of rural road that joins segments of ATV trail, or provides part of the route to a place of commerce using the shortest possible length of Township Road.
3. The Highway Section(s) form(s) part of a recognized trail.
4. The Highway Section has measurable stopping sight distances that are recognized for speed limit plus 10 km/h.
5. The Group/Person has agreed to provide and erect the appropriate signing in accordance with the Ontario Traffic Manual.

In consideration of the granting of this permit I hereby agree to indemnify and save harmless the Township of South Stormont against all claims, liabilities, judgments, costs and expenses whatsoever kind, which may in any way accrue against the said Township consequence of and incidental to the granting of this permit and I agree to pay the cost of repairing and damage to Township property and I further acknowledge that the Township of South Stormont accepts no responsibility for the accuracy of the information contained herein. The undersigned hereby agrees with the conditions set out in the Township of South Stormont By-law 2005-20, attached.

Group/Person Name: _____

Date: _____

Signature: _____