

**THE CORPORATION OF THE TOWNSHIP OF
WHITEWATER REGION
BY-LAW 16-06-870
Repeals BY- LAW # 07-03-284**

Being a By-law to regulate the operation of Off-Road Vehicles on municipal highways within the Corporation of the Township of Whitewater Region.

WHEREAS Pursuant to Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, CH.8, as amended, the Council of a Municipality may pass by-laws:

- a) Permitting the operation of off-road vehicles with 3 (three) or more wheels-on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highways;
- b) Prescribing a lower rate of speed for all 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.

THEREFORE the Council of the Corporation of the Township of Whitewater Region enacts as follows:

I. DEFINITIONS:

In this By-law:

- "Off-Road Vehicle" shall mean an off-road vehicle within the meaning of the Off-Road Vehicles Act, O. Reg 316/03, S.1., as amended.
- "Highway" includes 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

II. REGULATION OF ALL-TERRAIN VEHICLES ON HIGHWAYS

1. An Off-Road Vehicle shall not be operated on highways unless it meets the equipment requirements of Section 7 to 15 of O.Reg 316/03 - Operation of Off-Road Vehicles on Highways as amended by O.Reg. 135/15.
2. a.) The Off-Road Vehicle shall not be driven at a rate of speed greater than 20 kilometers per hour, if the speed limit established under the Highway Traffic Act or by Municipal By-law for that part of the highway is not greater than 50 kilometres per hour; or

b) 50 kilometers per hour, if the speed limit established under the Highway Traffic Act or by Municipal By-law for that part of the highway is greater than 50 kilometres per hour.
3. The Off-Road Vehicle shall be driven on the shoulder of the highway in the same direction as the traffic using the same side of the highway.
4. Despite subsection 3, the Off-Road Vehicle may be driven on the roadway in the same direction as the traffic using the same side of the highway if:
 - (a) If there is no shoulder; or
 - (b) the shoulder of the highway is obstructed and cannot be used by the All-Terrain Off-Road Vehicle.

III. 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.


IV. EFFECTIVE

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. All By-Law or parts of By-Laws previously passed that are inconsistent with the provisions of By-Law 16-06-870 are hereby repealed.

V. VALIDITY

If any section, clause or provision of this By-Law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of it as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining clauses or provisions of the By-Law shall remain in full force and effect until repealed.

Passed this 15th day of June, 2016.


MAYOR Hal Johnson

as per 
CAO/Clerk Christine FitzSimons