



THE CORPORATION OF THE MUNICIPALITY OF MORRIS TURNBERRY

BY-LAW NO. 84 -2017

**Being a by-law to regulate the operation of Off-Road Vehicles
(ATVs) and (ORUs) on municipal highways,
within the limits of the Municipality of Morris-Turnberry**

WHEREAS, pursuant to Section 191.8 (3) of the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended, the Council of the 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 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 Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended , authorizes the Council of a municipality to pass by-laws permitting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or any part or parts of such highway;

AND WHEREAS, Ontario Regulation 316-03 made under the Highway Traffic Act, as amended, defines an All-Terrain Vehicle and provides regulations governing the operation of All-Terrain Vehicles upon highways;

AND WHEREAS, pursuant to Ontario Regulation 316-03, as amended, only ATVs and ORUs which meet the Motor Vehicle safety regulations outlined in Section 9, will be allowed to access municipal highways;

NOW THEREFORE the council of the Corporation of the Municipality of Morris-Turnberry ENACTS the following:

1. **Definitions:** In this By-law:
 1. **“all-terrain vehicle”** means 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;
 2. **“Highway”** includes any open road allowance under the jurisdiction of the Corporation of the Municipality of Morris-Turnberry, including a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for use or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
 3. **“Urban Area”** means any area in the Municipality of Morris-Turnberry where the highway speed limit is 50 km/hr or less;

4. **“Off-Road Vehicle”** means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel.

- (a) On not more than three wheels, or
- (b) On more than three wheels and being of a prescribed class of vehicle.

2. General:

The Operation of an ATV, ORV or an UTV shall be permitted upon the highways under the jurisdiction of the Municipality of Morris-Turnberry and in accordance with Ontario Regulation 316-03 of the Highway Traffic Act, as amended, as attached as Schedule ‘A’ to this By-law; and the Off-Roads Vehicles Act;

3. Types of Off-Road Vehicles:

The Types of Off-Road Vehicles that are applicable to this by-law are the following, and in accordance with Ontario Regulation 316-03 of the Highway Traffic Act, as amended, the Off-Roads Vehicles Act, and in accordance with the provisions of this By-law;

- 1. All-terrain vehicles (ATVs), including two-up ATVs,
- 2. Side-by-side off-road vehicles- ORVs;

4. Regulation of Off-Road Vehicles (ATVs) and (ORVs) on Highways

- 1. An ATV, and/ or an ORV shall not be operated on highways unless it meets the equipment requirements on Section 7-15 of Ontario Regulation 316-03 and it is operated in accordance with Sections 16-24 of Ontario Regulation 316-03, s.6.
- 2. An ATV and /or an ORV shall not be driven at a rate of speed greater than:
 - (a) 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 kilometers 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 kilometers per hour;
- 3. In any urban area, an ATV and/or an ORV shall only be operated on highways from the hour or 6:00 am to 10:00 pm on any day.

5. Exemption:

Farmers and trappers and public work employees are exempt from ATV/ORV width and weight restrictions while performing commercial duties, and in accordance with Ontario Regulation 316-03 of the Highway Traffic Act, as amended.

6. Penalties:

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.

