



ACTION REQUEST – CLERK

To:	Mayor and Members of Council
Date of Meeting:	July 7, 2015
Subject:	ATV By-law

RECOMMENDATION

That Council approve By-law 37-2015, A By-law to regulate the operation of All Terrain Vehicles on Municipal Roads in the Township of North Dundas.

EXECUTIVE SUMMARY:

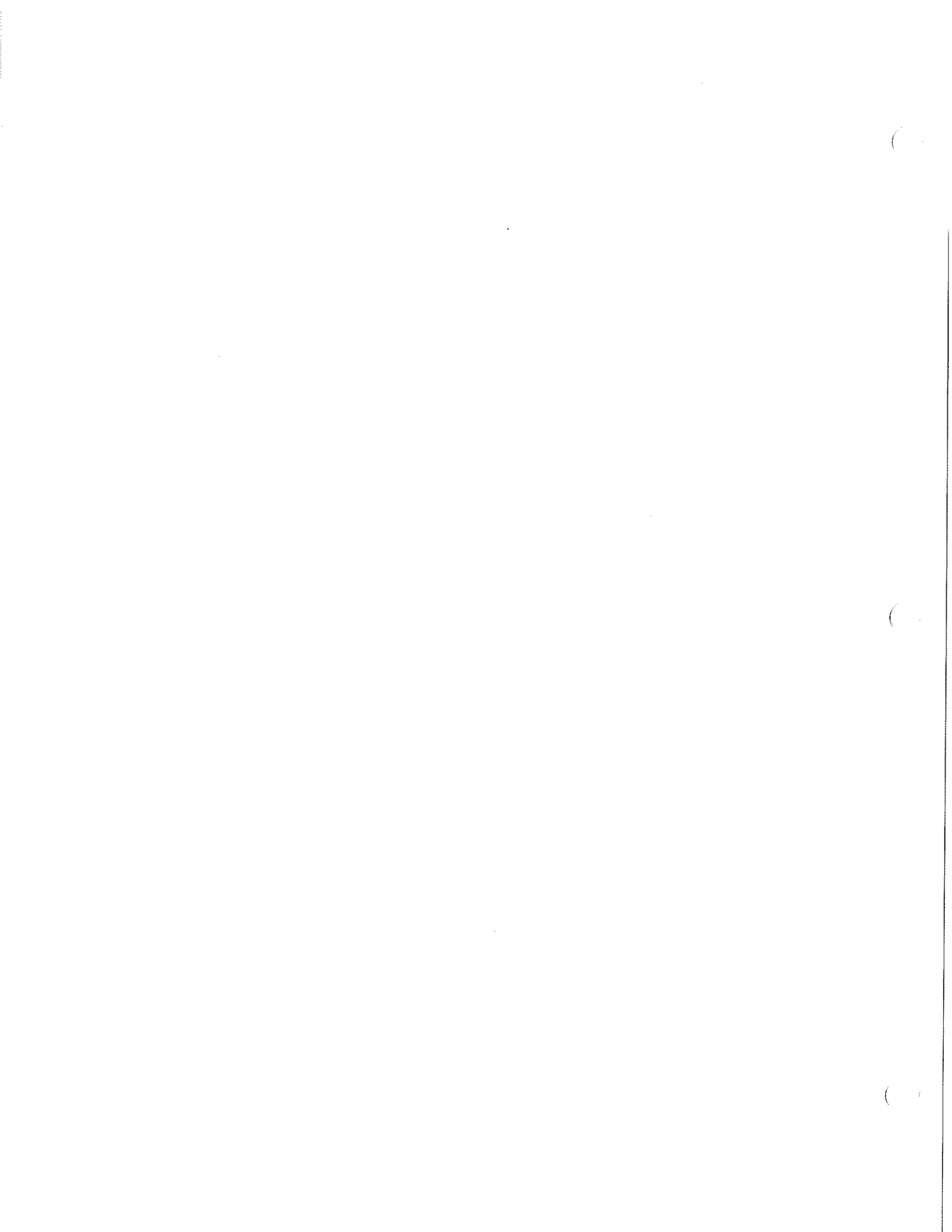
Beginning July 1, 2015, and in accordance with Ontario Regulation 135-15 the province is implementing the following changes to ensure that ORV and ATV riders safely reach their destination:

- More types of ORVs and ATVs including two-up ATVs, side by side ATVs and utility terrain vehicles (UTVs will be allowed to use the shoulder of public roads.)
- All riders – including drivers and passengers of all ages – will have to wear a helmet and use a seatbelt or foot rests, where applicable.

BACKGROUND:

At the April 24th, 2007 meeting of Council, Council passed By-law 21-2007. In accordance with Ontario Regulation 316/03, this By-law regulated the operation of All Terrain Vehicles on Municipal Roads in the Township of North Dundas. Along with governing the use and time of operation of ATVs on secondary roads in the Township of North Dundas, the By-law specifically defines the types of All Terrain Vehicles permitted. Ontario Regulation 135/15 amends Ontario Regulation 316/03 now allowing more types of ORVs and ATVs designed for two passengers.

Dave Baker, President of the Nation Valley ATV Club addressed Council at the June 23, 2015 Council meeting. He spoke in favour of the amendments to Ontario Regulation 316/03 and stated the Nation Valley All-Terrain Vehicle Club would like Council to update the current ATV By-law. In addition he requested Council consider adding a membership clause (denoting membership to the Ontario Federation of All-Terrain Vehicle or other provincial recognized ATV body) be included in the updated by-law.



OPTIONS AND DISCUSSION:

1. Approve the By-law in accordance with Ontario Regulation 316/03.
2. Approve the By-law in accordance with Ontario Regulation 316/03 with inclusion of membership clause.

FINANCIAL ANALYSIS:

There are no financial implications associated with the By-law.

OTHERS CONSULTED: Nation Valley ATV Club

PREPARED BY:

REVIEWED & APPROVED BY:

Jo-Anne McCaslin, Clerk

Angela Rutley, CAO

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THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

BY- LAW NO. 37-2015

A BY-LAW of the Corporation of the Township of North Dundas to regulate the operation of All-Terrain Vehicles on Municipal Roads within the Township of North Dundas.

WHEREAS the *Highway Traffic Act*, Chapter 8, R.S.O. 1990, Section 191.8 (3) as amended, and Ontario Regulation 316/03 authorizes Municipalities to pass by-laws permitting ATVs to be operated on highways or part of highways within the Municipality and during specified months and hours as set out;

AND WHEREAS it is deemed in the best interest to regulate, govern, and limit the operation of ATV's within the Municipality;

NOW THEREFORE the Council of the Corporation of the Township of North Dundas enacts as follows:

1. Jurisdiction:

1.1 This By-law regulates the use of all-terrain vehicles on all highways under the jurisdiction of the Township of North Dundas.

2. Definitions:

2.1 "All-terrain vehicle" shall have the same meaning as defined in Ontario Regulation 316/03.

2.2 "Highway" shall have the same meaning as defined in the Highway Traffic Act.

2.3 "Off Road Vehicle" shall have the same meaning as defined in Ontario Regulation 316/03.

3. Regulations:

3.1 That the operation of ATVs shall be permitted upon the highways under the jurisdiction of the Corporation of the Township of North Dundas as listed in Schedule "A" and in accordance with Ontario Regulation 316-03 of the Highway Traffic Act, the Off Roads Vehicles Act and in accordance with the provisions of this by-law.

3.2 That the operation of ATV units shall be permitted only during the hours specified in Schedule "B".

3.3 That 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 in the Provincial Offences Act.

3.4 That this by-law is to be reviewed annually.

3.5 That 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 7th day of July, 2015.

Eric Duncan, MAYOR

Jo-Anne McCaslin, CLERK

SCHEDULE "A"

To By-Law No. 37-2015

It is the Township's policy to permit off road vehicles on all secondary roads within the Township of North Dundas; save and except those secondary roads within the boundaries and confines of the Villages, Hamlets and Built-up Settlement Areas within the Township of North Dundas.

SCHEDULE "B"

To By-Law No. 37-2015

It is the Township's policy to permit All Terrain Vehicles to use Township of North Dundas secondary roads during the following periods:

Daily One half hour before sunrise to one half hour after sunset.

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3.2 That the operation of ATV units shall be permitted only during the hours specified in Schedule "B".

3.3 That 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 in the Provincial Offences Act.

3.4 That the operation of ATV's shall only be permitted with a valid membership to a Club recognized by the Ontario Federation of All-Terrain Vehicle Clubs.

3.5 That this by-law is to be reviewed annually.

3.6 That 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.

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