

THE CORPORATION OF THE TOWNSHIP OF CHAPLEAU

By-Law 2015-30

Being a by-law of the Corporation of the
Township of Chapleau to regulate All Terrain Vehicles.

WHEREAS Section 11. (3)1 of the *Municipal Act, 2001*, provides that a Municipality may pass by-laws with respect to highways, including parking and traffic on highways;

AND WHEREAS Section 27 of the *Municipal Act, 2001*, provides that a Municipality may pass by-laws with respect to highways over which it has jurisdiction;

AND WHEREAS Subsection 191.8(1), (3) & (4) of the *Highway Traffic Act R.S.O. 1990 c.H.8* enables municipal Councils to pass by-laws relating to the operation of Off-Road Vehicles on certain highways within the Municipality under the jurisdiction of the Municipality;

AND WHEREAS the Council of the Corporation of the Township of Chapleau deems it necessary and expedient to pass a by-law to regulate the operation of all terrain vehicles on its highways;

NOW THEREFORE the Council of The Corporation of the Township of Chapleau **ENACTS AS FOLLOWS:**

1. Definitions:

In this by-law:

- 1.1 “Boulevard” means part of a street line between the roadway and sidewalk or, where no sidewalk has been laid, that part between the roadway and the highway boundary;
- 1.2 “Township” means the geographical area occupied by The Corporation of the Township of Chapleau;
- 1.3 “Highway” includes a common and public highway, street, avenue, parkway, driveway, laneway, 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;
- 1.4 “All Terrain Vehicle” means an off road vehicle that,
 - a) has four or more wheels, the tires, all of which are in contact with the ground,
 - b) has steering handle bars and may have a steering wheel,
 - c) has a seat that is or is not designed to be straddled by the driver, and
 - d) may be designed to carry passengers, which includes the definition of a multi-purpose or recreational off-highway vehicle (UTV) including those permitted off-road vehicle types as illustrated in Appendix A attached hereto and forming part of this by-law.
- 1.5 “Park” means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in the loading or unloading of passengers;
- 1.6 “Roadway” means the part of the highway that is improved, designed or ordinarily used for vehicular traffic but does not include the shoulder.
- 1.7 “Sidewalk” means the traveled portion of a highway intended for the use of pedestrians.

2. Operation of All Terrain Vehicles on Highways

2.1 A person may operate an all terrain vehicle on any highway within the Township of Chapleau.

2.2 No person shall operate an all terrain vehicle on any highway in excess of 20 kilometers per hour.

3. Parking and Operation of All Terrain Vehicles on Sidewalk

3.1 No person shall operate an all terrain vehicle on a sidewalk or boulevard.

3.2 No person shall operate an all terrain vehicle across a boulevard.

3.3 No person shall park an all terrain vehicle on a sidewalk or boulevard.

4. Times of Operations

4.1 No person shall operate an all terrain vehicle on or across a highway or part thereof between the hours of 12:00 midnight on one day and 6 am on the following day.

5. Prohibited Operation of All Terrain Vehicles

All terrain vehicles are prohibited in the following areas:

- (1) All ball fields;
- (2) All track and field facilities owned or used in joint agreement with other agencies;
- (3) All cemeteries, parks and playgrounds;
- (4) All waterfront areas;
- (5) All Chapleau Recreation Centre ground.

6. Penalty

Any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine as provided under the *Provincial Offences Act*.

7. Short Title

7.1 This by-law shall be known as the "All Terrain Vehicle By-law".

8. Repeal

That By-law 2005-17 be and is hereby repealed in its entirety.

9. That this by-law shall come into full force and effect on the 13th day of July, 2015.

Page No. 3

By-Law 2015-30







Read a First, Second and Third time and finally passed this 13th day of July, 2015.

Deputy Mayor

CAO

APPENDIX A:

OFF-ROAD VEHICLE TYPES

CURRENTLY PERMITTED ON-ROAD	
	<p>A single-rider all-terrain vehicle (ATV) is designed to travel on four low-pressure tires, having a seat designed to be straddled by the operator, handlebars for steering control and must be designed by the manufacturer to carry a driver only and no passengers.</p>
PERMITTED ON-ROAD AS OF JULY 1, 2015	
	<p>A two-up ATV is designed, and intended for use by an operator or an operator and a passenger. It is equipped with a seating position behind the operator designed to carry only one passenger.</p>
	<p>A side-by-side ATV has two abreast seats, typically built with a hood, and uses a steering wheel instead of a motorcycle steering handlebar.</p>
	<p>A utility terrain vehicle (UTV) has similar characteristics to a side-by-side ATV, but typically also features a box bed. UTVs are generally designed for utility rather than for the recreational purposes.</p>
NOT PERMITTED ON-ROAD	
	<p>An off-road motorcycle (ORM) is one of the few ORVs manufactured and sold in Canada with a Canadian Motor Vehicle Safety Standard (CMVSS) intended to be applied to it. Unlike the ORVs above, no industry manufacturing standard exists for ORMs.</p>
	<p>While not limited to amphibious ORVs like the ARGO ATV, some models of side-by-side ATVs and UTVs may also fall within a category of larger ORVs that may have six to eight wheels and accommodate more than four passengers. Amongst other concerns, ministry staff have expressed concerns that it will be difficult to accommodate such a large vehicle footprint on a shoulder.</p>