

THE CORPORATION OF THE TOWNSHIP OF THE ARCHIPELAGO

BY-LAW NO. 15-24,
as amended by By-law No. 15-34

Being a By-law to permit the operation of all-terrain vehicles (ATV's), multi-purpose off-highway utility vehicles and recreational off-highway vehicles on highways and lands under the jurisdiction of the Corporation of The Township of The Archipelago

WHEREAS Section 191.8 (3), of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, authorizes the Council of a municipality to pass by-laws permitting the operation of off-road vehicles with 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 highway;

AND WHEREAS *Ontario Regulation 316/03, Operation of Off-Road Vehicles on Highways, as amended*, of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, defines "all terrain vehicles", "multi-purpose off-highway utility vehicles" and "recreational off-highway vehicles" and provides regulations governing the operation of these vehicles upon highways;

AND WHEREAS the Council of The Corporation of the Township of The Archipelago deems it advisable to regulate the operation of all-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles, being classes of "off-road vehicle" as defined in *Part 1 of Ontario Regulation 316/03, as amended*, on certain highways within the jurisdiction of the Township of The Archipelago, or on any part or parts of such highways;

NOW THEREFORE BE IT ENACTED as a By-Law of the Council of The Corporation of the Township of The Archipelago as follows:

1. In this By-law:
 - a) **"All-Terrain Vehicle (ATV)"** means an off-road vehicle as defined in *Ontario Regulation 316/03, as amended*, of the *Highway Traffic Act, R.S.O. 1990, c. H.8*.
 - b) **"Highway"** means a highway as defined in the *Highway Traffic Act, R.S.O. 1990, c. H.8*.
 - c) **"Multi-Purpose Off-Highway Utility Vehicle"** means an off-road vehicle as defined in *Ontario Regulation 316/03, as amended*, of the *Highway Traffic Act, R.S.O. 1990, c. H.8*.
 - d) **"Off-Road Vehicle"** has the same meaning as in the *Off-Road Vehicle Act*;
 - e) **"Recreational Off-Highway Vehicle"** means an off-road vehicle as defined in *Ontario Regulation 316/03, as amended*, of the *Highway Traffic Act, R.S.O. 1990, c. H.8*.
2. All-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles are permitted to be operated on municipal highways that are within the Township of The Archipelago that are under the jurisdiction of The Corporation of the Township of The Archipelago. All-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles operated on municipal highways under authority of this By-law are to be operated in accordance with *Ontario Regulation 316/03, as amended*, of the *Highway Traffic Act, R.S.O. 1990, c. H.8*.

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3. An all-terrain vehicle, multi-purpose off-highway utility vehicle and/or recreational off-highway vehicle operated on highways under the jurisdiction of The Corporation of the Township of The Archipelago must meet the equipment requirements as set out in *Ontario Regulation 316/03, as amended*, of the *Highway Traffic Act, R.S.O. 1990, c. H.8.*
4. An all-terrain vehicle, multi-purpose off-highway utility vehicle and/or recreational off-highway vehicle shall not be driven at a rate of speed greater than:
 - a) 20 kilometres per hour, if the speed limit established under the *Highway Traffic Act* or by Municipal By-law for that part of highway is not greater than 50 kilometres per hour; or
 - b) 50 kilometres per hour, if the speed limit established under the *Highway Traffic Act* or by Municipal By-law for that part of highway is greater than 50 kilometres per hour.
5. The exemptions set out in *Ontario Regulation 316/03, as amended*, of the *Highway Traffic Act, R.S.O. 1990, c. H.8.* regarding the operation of off-road vehicles on highways shall apply to this By-law and the permissions granted thereunder.
6. No person shall operate an all-terrain vehicle, multi-purpose off-highway utility vehicle or a recreational off-highway vehicle over or upon the following areas, with the exception of recognized parking or vehicle access areas:
 - a) Any community centre under the jurisdiction of The Corporation of the Township of The Archipelago.
 - b) Any waste landfill site or waste transfer station under the jurisdiction of The Corporation of the Township of The Archipelago.
 - c) Any aggregate pit under the jurisdiction of The Corporation of the Township of The Archipelago.
 - d) Any cemetery under the jurisdiction of The Corporation of the Township of The Archipelago.
 - e) Any sidewalk under the jurisdiction of The Corporation of the Township of The Archipelago.
 - f) Any other municipally-owned property, except municipal highways as authorized in this By-law, without the expressed written consent of the municipality.
8. If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.
9. Any person operating an all-terrain vehicle, multi-purpose off-highway utility vehicle or recreational off-highway vehicle in contravention of this By-law shall be guilty of an offence and subject to the penalties provided by law.

10. This By-law shall be enforced by both the By-Law Enforcement Officer and the Ontario Provincial Police who shall be a designated as an agent under the *Trespass to Property Act*.
11. That By-law 13-39 is hereby repealed.
12. This By-law shall come into force and take effect on the day of the final passing thereof.

READ and FINALLY PASSED in OPEN COUNCIL this 17th day of July, 2015.

THE CORPORATION OF THE TOWNSHIP OF THE ARCHIPELAGO

Peter Ketchum _____
REEVE

Stephen P. Kaegi _____
CAO/CLERK

Schedule "A" was removed
by By-law No. 15-34,
passed by Council on
September 18th, 2015

SCHEDULE "A"
to By-law No. 15-24

**ROADWAYS UNDER THE JURISDICTION OF THE
TOWNSHIP OF THE ARCHIPELAGO
ON WHICH
ALL-TERRAIN VEHICLES,
MULTI-PURPOSE OFF-HIGHWAY UTILITY VEHICLES
and
RECREATIONAL OFF-HIGHWAY VEHICLES
ARE NOT PERMITTED**

All-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles are permitted on all roadways under the jurisdiction of The Corporation of The Township of The Archipelago **except for the following:**

Blackstone-Crane Lake Road

Blackstone Lake Road

Armstrong-Jacklin Road

Joe Korman Road

Ramsey-Johnston Road

North Fork Road

South Fork Road

Aga Ming Road