

THE CORPORATION OF THE TOWNSHIP OF PELEE

BY-LAW 2015-25

BEING A BY-LAW TO REGULATE THE OPERATION OF OFF ROAD VEHICLES ON MUNICIPAL ROADWAYS ON PELEE ISLAND IN THE TOWNSHIP OF PELEE.

WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8, subsection (3) provides that a Council of a municipality may pass by-laws permitting the operation of off-road vehicles with three or more wheels on any highway (roadway) within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;

AND WHEREAS the Council of the Corporation of the Township of Pelee deems it desirable to enact such a By-Law for off road vehicles;

NOW THEREFORE BE IT RESOLVED that the Council of the Township of Pelee hereby enacts as follows:

1. That the following off-road vehicles as defined in Section 1 of O. Reg. 316/03 as amended by O. Reg. 135/15 be permitted on highways as defined in the Highway Traffic Act R.S.O. 1990, Chapter H.8.

“multi-purpose off-highway utility vehicle” means an off-road vehicle that,

- (a) Has four or more wheels, the tires of which are all in contact with the ground,
- (b) Has a steering wheel for steering control,
- (c) Has seats that are not designed to be straddled, and
- (d) Has a minimum cargo capacity of 159 kilograms;

“recreational off-highway vehicle” means an off-road vehicle that,

- (a) Has four or more wheels, the tires of which are all in contact with the ground,
- (b) Has a steering wheel for steering control,
- (c) Has seats that are not designed to be straddled, and
- (d) Has an engine displacement equal to or less than 1,000 cubic centimetres;

“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,
 - i. A driver only and no passengers
 - ii. A driver and only one passenger if the vehicle
 - A. Has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
 - B. Is equipped with foot rests for the passenger that are separate from the foot rests for the driver.

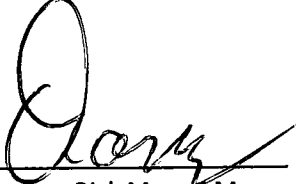
2. That off-road vehicles shall be permitted on roadways (highways) as defined in the Highway Traffic Act R.S.O. 1990, Chapter H.8.

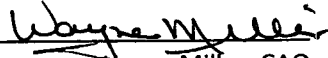
3. That the off-road vehicle shall not be driven at a rate of speed greater than;
 - a. 20 km/h if the speed established under the Highway Traffic Act or by municipal by-law for that part of the highway is not greater than 50 km/h; or
 - b. 50 km/h if the speed limit established under the Highway Traffic Act or by municipal by-law for that part of highway is greater than 50 km/h.
4. That an off-road vehicle shall not be operated on highways unless it meets all the equipment requirements and operation requirements of O. Reg. 316/03 as amended by O. Reg. 135/15.
5. That an off-road vehicle shall not be permitted to travel on a municipal roadway (highway) if the exhaust system has been altered over the manufacturer's recommended decibel level. Operation and use of off-road vehicles must be in accordance with the Municipality of Pelee Noise By-Law.
6. That any person who contravenes any of the provisions of this By-Law is guilty of an offence and on conviction, where a fine for the contravention is not otherwise provided under the Highway Traffic Act, is liable to a fine under the Provincial Offences Act.
7. No person shall operate an off-road vehicle over and upon any municipal owned or municipal maintained land used as parks, playgrounds or for utility purposes.
8. Travel must be in the same direction as traffic and off-road vehicles must travel on the shoulder of the road, but may travel on the road only in accordance with section 24 of O. Reg. 316/03 as amended by O. Reg. 135/15.
9. This by-law does not apply to police, fire, ambulance, search and rescue or other emergency vehicles.
10. That this by-law shall come into force and take effect on the date of passing.

READ A FIRST TIME THIS 6th DAY OF JULY, 2015.

READ A SECOND TIME THIS 6th DAY OF JULY, 2015.

READ A THIRD TIME AND FINALLY PASSED THIS 6th DAY OF JULY, 2015.


Rick Massé, Mayor


Wayne Miller, CAO