

Corporation of the Township of Howick

By-law No. 29-2019

**a by-law to regulate the operation of Off-Road Vehicles
(ATVs) and (ORVs) on municipal highways within the limits of the
Township of Howick**

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 ORVs 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 Township of Howick enacts the following:

1. Definitions: in this by-law:

“all-terrain vehicle” means an off-road vehicle that,

- (a) has four wheels, the tires of which are all 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, or
 - (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;

“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;

“off-road vehicle” has the same meaning as in the Off-Road Vehicles Act;

“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;

“seat belt assembly” means a device or assembly composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person.

“**Highway**” includes any open road allowance under the jurisdiction of the Corporation of the Township of Howick 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.

“**Urban Area**” means any area in the Township of Howick where the highway speed limit is 50 km/hr or less.

2. General:

The Operation of an ATV, ORV or an UTV shall be permitted upon the highways under the jurisdiction of the Township of Howick and in accordance with Ontario Regulation 316-03 of the Highway Traffic Act, as amended 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 of 6 am to 10 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.

7. Effective:


1. That the Reeve and Clerk are hereby empowered to sign and execute the said by-law;
2. 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 a first and second time this 7 day of May, 2019.

Read a third time and finally passed this 7 day of May, 2019.



Reeve Doug Harding



Clerk Carol Watson