

**THE CORPORATION OF THE MUNICIPALITY OF POWASSAN**

**BY-LAW NO. 2015-23**

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Being a By-Law to permit All-Terrain Vehicles on highways  
under the jurisdiction of the Municipality of Powassan

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**WHEREAS** the Highway Traffic Act, R.S.O. 1999, c H.8 Section 191.8 (3) provides that the council of a municipality may pass By-laws,

- a) Permitting the operation of off-road vehicles with four wheels on any highway within the municipality that is under the jurisdiction of the municipality, or on any highway within the municipality that is under the jurisdiction of the municipality, or any part or parts of such highway;
- b) Prescribing a lower rate of speed for off-road vehicles with four wheels that prescribed 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; 1999, c.12, Sched. R, s. 17; 2015, c. 14, s. 53(1);

**AND WHEREAS** the Highway Traffic Act, R.S.O. 1990, c. H8, Ontario Regulation 316/08, defines an "off-road vehicle" including ATV's, two-up ATV's and side-by-sides, and provides the regulations governing the operation of off-road vehicles upon highways within municipalities;

**AND WHEREAS** Section 11(3), Item 1, of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that a single tier municipality may pass by-laws respecting highways, including parking and traffic on highways;

**AND WHEREAS** section 425 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that any person who contravenes any by-law of the municipality, passed under this Act, is guilty of an offence;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Powassan enacts as follows:

1. Acts

4.1 Application of *Highway Traffic Act*

- a) Except as otherwise provided in the Regulation, the provisions of the Act and its regulations applicable to motor vehicles apply with necessary modifications to the operation of off-road vehicles on a highway.
- b) Subsection 62(19) Sections 64 and 66 and subsection 76(1) of the Act do not apply to the operation of an off-road vehicle on a highway.

2. Maximum Speed

The off-road vehicle shall not be driven at a rate of speed greater than,

- a) 20 kilometres per hour, if the speed limit established under the Act for that part of the highway is not greater than 50 kilometres per hour; or
- b) 50 kilometres per hour, if the speed limit established under the Act for that part of the highway is greater than 50 kilometres per hour.

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3. Restrictions

No person shall operate an off-road vehicle:

- i) in any park, beach or other municipally owned lands within the municipality without the consent of the Municipality of Powassan;
- ii) on any sidewalk under the jurisdiction of the Municipality of Powassan;
- iii) on any unopened road allowance under the jurisdiction of the Municipality of Powassan;
- iv) on any private property without the consent of the owner;
- v) through a river, stream or other watercourse on a highway if doing so would or would be likely to alter, disrupt or destroy any fish or turtle habitat;
- vi) that would alter, disrupt or destruct the natural environment, including erosion damage or degradation of the right-of-way

4.0 Penalty

- i) Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction, is liable to a fine as provided in the *Provincial Offences Act*.
- ii) All such penalties shall be recovered under the *Provincial Offences Act*.

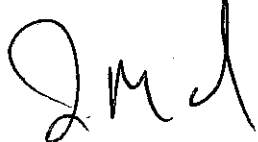
5. This By-law shall take effect upon adoption.

**NOW THEREFORE** the Council of the Corporation of the Municipality of Powassan enacts as follows:

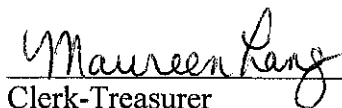
- 1. That By-law 2004-25 has been rescinded.
- 2. That By-law 2015-23 take effect immediately upon adoption.

**READ a FIRST and SECOND** time in open Council this 4th day of August, 2015.

**READ a THIRD** time and finally passed this 4th day of August, 2015.



Mayor



Clerk-Treasurer