

The Corporation of the Township of Huron-Kinloss



BY-LAW

2020-122

Being a By-Law to Amend the Off Road Vehicle By-Law

The Township of Huron-Kinloss

WHEREAS Section 191.8(3) of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended (the “HTA”), 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 entitled “Operation of Off-Road Vehicles on Highways” under the HTA (the “Regulation”) regulates the operation of off-road vehicles on highways;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the “*Municipal Act, 2001*”), assigns spheres of jurisdiction and authorizes municipalities to pass by-laws respecting matters pertaining to highways within their jurisdiction;

AND WHEREAS the Council of The Corporation of the Township of Huron-Kinloss passed By-Law No. 2015-89, the Off-Road Vehicle By-law (the “By-Law”), to permit and control the operation of off-road vehicles on highways under the jurisdiction of the Township of Huron-Kinloss;

AND WHEREAS on July 1, 2020, Ontario Regulation 315/20 came into force, which amended the Regulation to expand the types of off-road vehicles permitted on-road;

AND WHEREAS the Council of The Corporation of the Township of Huron-Kinloss deems it expedient to amend the By-Law to include these vehicles;

NOW THEREFORE the Council of The Corporation of the Township of Huron-Kinloss enacts as follows:

1.0 That Section 1.3 of By-Law No. 2015-89, the Off-Road Vehicle By-law, be amended to adding the following:

1.3.4 an extreme terrain vehicle that:

- a) has six or eight wheels, the tires of which are all in contact with the ground,
- b) has no tracks that are in contact with the ground,
- c) has seats that are not designed to be straddled, and
- d) has a minimum cargo capacity of 159 kilograms;

1.3.5 an off-road motorcycle, designed primarily for recreational use, that:

- a) has steering handlebars,
- b) has two wheels, the tires of which are all in contact with the ground,
- c) has a minimum wheel rim diameter of 250 millimetres,
- d) has a minimum wheelbase of 1,016 millimetres,

- e) has a seat that is designed to be straddled by the driver,
- f) is designed to carry a driver only and no passengers, and
- g) does not have a sidecar.

2.0 This by-law shall come into full force and effect upon final passage.

3.0 This by-law may be cited as the "Off-Road Vehicle By-Law Amendment (1)".

READ a FIRST and SECOND TIME this 16th day of November 2020.

READ a THIRD TIME and FINALLY PASSED this 16th day of November, 2020.

Mitch Twolan, Mayor

Emily Dance, Clerk