

The Corporation of the Township of Alnwick/Haldimand

By-Law No. 133-2020

Being a By-Law to Prohibit the Operation of Extreme Terrain Vehicles and Off-Road Motorcycles on any Highway within the Township of Alnwick/Haldimand that is under the Jurisdiction of the Township of Alnwick/Haldimand, or on any part or parts of such Highways

This By-Law is in Conjunction with Ontario Regulation 316/03 made under the Highway Traffic Act

Whereas Section 191.8(3) of the *Highway Traffic Act, R.S.O. 1990, c. H.8* as amended, states that the council of a municipality may pass by-laws;

(b) prohibiting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway, in accordance with a regulation under clause (2.1) (a).

And whereas it is deemed advisable and expedient to prohibit the operation of extreme terrain vehicles and off-road motorcycles on any highways within the Township of Alnwick/Haldimand that is under the jurisdiction of the Township of Alnwick/Haldimand.

Now therefore the Council of the Township of Alnwick/Haldimand hereby enacts as follows:

1. Definitions:

“Extreme terrain vehicle” means an off-road 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.

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

“Off-road motorcycle” means an off-road vehicle, 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. Prohibition of Extreme Terrain Vehicles and Off-Road Motorcycles on Highways

(a) No person shall use, ride, or operate extreme terrain vehicles and off-road motorcycles on any highway within the Township of Alnwick/Haldimand that is under the jurisdiction of the Township of Alnwick/Haldimand.

3. 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*.

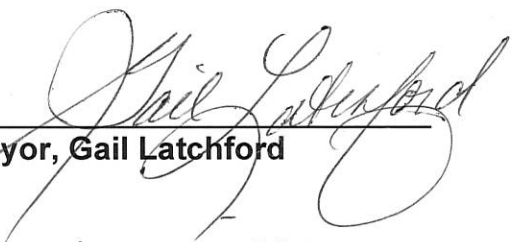
4. Validity

If any section, clause or provision of this by-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.


5. Force and Effect

That this by-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Township of Alnwick/Haldimand.

That **By-law No. 133-2020** read and deemed to be PASSED this 17th day of December, 2020.



Mayor, Gail Latchford



Acting Clerk, Alexandra Smith