

**THE CORPORATION OF THE MUNICIPALITY  
OF OLIVER PAIPOONGE**

**BY-LAW NO. 701 - 2012**

*A By-Law to permit the operation of all-terrain vehicles on highways of the Corporation, to regulate and govern such operation and to prohibit the operation of off-road vehicles in certain other areas*

**WHEREAS** pursuant to Sections 10 and 27 of the *Municipal Act*, 2001, a Municipality may pass By-Laws with respect to highways, over which it has jurisdiction;

**AND WHEREAS** pursuant to Subsection 191.8(3) of the Highway Traffic Act, R.S.O. 1990, c.H.8, councils of municipalities may pass By-Laws permitting the operation of certain off-road vehicles on any highway within the Municipality that is under the jurisdiction thereof, or on any part or parts of such highway and may prescribe a lower rate of speed than that prescribed therefore by Regulation;

**AND WHEREAS** pursuant to Sections 8, 9 and Paragraphs 10(2) 4 and 10(2) 8 of the *Municipal Act*, 2001, municipalities may pass By-Laws respecting public assets of the Municipality and the protection of persons and property;

**AND WHEREAS** the Council of The Corporation of the Municipality of Oliver Paipoonge deems it advisable to regulate, govern and restrict the operation of off-road vehicles as hereinafter provided;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE HEREBY ENACTS AS FOLLOWS:

1. Definitions

- a) "all-terrain vehicle" means an off-road vehicle that,
  - (i) has four wheels, the tires of all of which are in contact with the ground;
  - (ii) has steering handlebars;
  - (iii) has a seat that is designed to be straddled by the driver;
  - (iv) has low pressure bearing tires; and
  - (v) is designed to carry a driver only and no passengers.
- b) "Corporation" means The Corporation of the Municipality of Oliver Paipoonge;
- c) "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle under the jurisdiction of the Corporation, 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 lines thereof;
- d) "low pressure bearing tire" means a wide, balloon-type tire with a rounded cross-section and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70 kpa (10 psi);
- e) "off-road vehicle" has the same meaning as in the Off-Road Vehicles Act;

2. Operation of All-Terrain Vehicles on Highways Permitted

- a) The operation of all-terrain vehicles on highways within the Municipality is permitted.

3. Compliance with Provincial Legislation

The operation of all-terrain vehicles on highways shall be in accordance with the applicable provisions of the Off Road Vehicles Act, the Highway Traffic Act and the Regulations under the said Acts, all as amended from time to time.

4. Speed Limit

Notwithstanding Section 3 of this By-Law, no person shall operate an all-terrain vehicle on any highway at a rate of speed greater than:

- a) 20 kilometers per hour, if the speed limit established by Regulation under the Highway Traffic Act for that part of the highway is not greater than 50 kilometers per hour; or
- b) 40 kilometers per hour, if the speed limit established by Regulation under the said Act for that part of the highway is greater than 50 kilometers per hour.

5. Times of Operation

No person shall operate an off-road vehicle on or across any highway at any time during the period between one hour after sunset in any day and one hour before sunrise in the next following day.

6. Prohibited Areas for All Off-Road Vehicles

No person shall operate or permit the operation of an off-road vehicle at any time on or in any of the areas listed in Schedule "A" to this By-Law.

7. Penalty

Every person who contravenes any provision of this By-Law is guilty of an offence and is liable upon conviction, to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P. 33 as amended from time to time.

8. Repeal

By-Law No. 648-2011 of the Corporation is hereby repealed.

Enacted and passed this 26<sup>th</sup> day of November 2012, A.D. 2011, as witnessed by the Seal of the Corporation and the hands of its proper Officers.

THE CORPORATION OF THE MUNICIPALITY  
OF OLIVER PAIPOONGE

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Mayor Lucy Kloosterhuis

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Margaret (Peggy) Dupuis  
Acting CAO/Clerk

SCHEDULE "A"

PROHIBITED AREAS

No person shall operate or permit the operation of an off-road vehicle in any of the following areas owned or operated by the Corporation:

1. Any public park
2. Any ballpark or recreational field or grounds except for the purpose of repairing, maintaining or preparing such grounds for use by all organizations or groups.
3. Stanley Hill Cemetery
4. The Municipal Landfill sites
5. Community Centre grounds
6. Municipal gravel pits.