

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

BY-LAW NO. 860 - 2015

A By-Law to permit the operation of certain off-road 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

In this By-law,

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

- a) has four wheels, the tires of all 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 rest for the driver;

“Corporation” means The Corporation of the Municipality of Oliver Paipoonge;

“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;

“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 centimeters;

2. Operation of certain Off-Road Vehicles on Highways Permitted

- (1) The operation of all-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles on highways within the Municipality is permitted.

3. Compliance with Provincial Legislation

The operation of all-terrain vehicles multi-purpose off-highway utility vehicles and recreational off-highway 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, multi-purpose off-highway utility vehicle or recreational off-highway 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-half hour after sunset in any day and one-half hour before sunrise in the next following day.

6. Prohibited Areas for All Off-Road Vehicles

Except when carrying out maintenance, repair or preparation for use under the authority of the Corporation, no person shall operate or permit the operation of an off-road vehicle at any time 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. 701-2012 of the Corporation is hereby repealed.

ENACTED AND PASSED this 14th day of September 2015, as witnessed by the Seal of the Corporation and the hands of its proper Officers.

THE CORPORATION OF THE MUNICIPALITY
OF OLIVER PAIPOONGE

Mayor Lucy Kloosterhuis

Margaret Dupuis, CAO/Clerk

SCHEDULE “A”

PROHIBITED AREAS

- i. Municipal public parks;
- ii. Municipal ballparks or recreational fields or grounds;
- iii. Stanley Hill Cemetery;
- iv. Municipal Landfill sites;
- v. Community Centre grounds;
- vi. Municipal gravel pits.