



BY-LAW NUMBER 2015-33

BEING A BY-LAW TO REGULATE THE USE OF OFF ROAD VEHICLES ON MUNICIPAL HIGHWAYS WITHIN THE TOWNSHIP OF NAIRN AND HYMAN

WHEREAS the *Highway Traffic Act, R.S.O. 1990, Section 191.8 (1) Chapter H.8* as amended, states that no person shall drive an off-road vehicle on a highway except in accordance with the regulations and any applicable municipal by-laws; and

WHEREAS Section 191.8 (3) of the *Highway Traffic Act, R.S.O. 1990, Chapter H.8* as amended, provides that the Council of a municipality may pass by-laws permitting 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 highways and which by-laws may prescribe a lower rate of speed for off-road vehicles by regulations on any highway within the municipality that is under its jurisdiction, or any part or parts of such highway; and

WHEREAS Section 4 (2) of *Ontario Regulation 316/03* states that all-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles may be driven on a highway if the requirements of Part III are met;

NOW THEREFORE the Council of the Township of Nairn and Hyman hereby enacts as follows:

1. Definitions in this By-law:

“All-terrain 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 steering handlebars;
- c) has a seat that is designed to be straddled by the driver, and
- d) is designed to carry;
 - a. a driver only and no passengers, or
 - b. a driver and only one passenger, if the vehicle,
 - i. has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
 - ii. is equipped with foot rests for the passenger that is separate from the foot rests for the driver.

“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.

“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 centimetres.

“Street, Highway and Laneway” means a highway defined in the *Highway Traffic Act, R.S.O. 1990*.

2. Maximum Speed:

No person shall drive an off-road vehicle upon, or across municipal streets and /or highways at a speed exceeding:

2.1 twenty (20) kilometers per hour if the speed limit established under the Act for that part of the highway is not greater than fifty (50) kilometers per hour, or

2.2 fifty (50) kilometers per hour, if the speed limit established under the Act for that part of the highway is greater than fifty (50) kilometers per hour, O. Reg. 316/03, s.22.

3. No person shall operate an off-road vehicle:

3.1 Over or upon the following areas (except for parking in a parking lot) namely:

3.1.1 Nairn Centre Ballfield.

3.1.2 Nairn Community Centre.

3.1.3 Nairn and Hyman All Sport Centre.

3.1.4 Township of Nairn and Hyman Municipal Garage Lot.

3.1.5 All Municipal Fire Halls.

3.1.6 All municipal Parks, Beaches and Playgrounds.

3.1.7 On any sidewalks within the Township of Nairn and Hyman.

4. The operator of an off-road vehicle shall ensure:

4.1 That when towing a sleigh or other trailing device, that the said sleigh and/or travelling device shall be equipped with a rigid hitch and shall be fastened securely to the vehicle.

4.2 That all sleighs and/or trailing devices shall be equipped with at least one 7.5 cm red reflector at the rear.

5. 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 for in the *Provincial Offences Act*.

6. By-law number 2004-6 is hereby repealed.

Read a first and second time this 9th day of November, 2015.

Read a third time and passed in open Council this 9th day of November, 2015.

(Original Signature on File)

Mayor

(Original Signature of File)

Clerk