

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

BY-LAW NUMBER 2015-23

Being a By-law to Permit the Operation of Off Road Vehicles on Highways Under the Jurisdiction of The Corporation of the Township of Nipissing.

WHEREAS the Highway Traffic Act, R.S.O. 1990, Section 191.8, subsection (3), Chapter H. 8, as amended, authorizes the Council of a municipality to 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 highway;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H. 8, Ontario Regulation 316/03 defines an Off Road Vehicle and provides regulations governing the operation of Off Road Vehicles upon highways;

AND WHEREAS beginning July 1, 2015, the Highway Traffic Act, R.S.O. 1990, Chapter H. 8, Ontario Regulation 135/15 further defines Off Road Vehicles and expands upon their permitted use;

AND WHEREAS the Council of The Corporation of the Township of Nipissing deems it advisable to regulate the operation of Off Road Vehicles as defined in Section 1 of Ontario Regulation 316/03 and 135/15, on highways within the jurisdiction of the Township of Nipissing, or on any part or parts of such highways;

NOW THEREFORE the Council of The Corporation of the Township of Nipissing enacts as follows:

1. In this By-Law:
 - (a) "Highway" means a highway as defined in the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended.
 - (b) "Off-Road Vehicle" means an off-road vehicle as defined in the Off-Road Vehicles Act, R.S.O. 1990, Chapter O.4.
2. Off Road Vehicles are permitted to be operated on municipal highways that are within the Township of Nipissing and under the jurisdiction of The Corporation of the Township of Nipissing. All-Terrain Vehicles operated on municipal highways under authority of this By-law are to be operated in accordance with Ontario Regulation 316/03 and Ontario Regulation 135/15.
3. An Off Road Vehicle operated on highways under the jurisdiction of The Corporation of the Township of Nipissing must meet the equipment requirements as set out in Ontario Regulation 316/03 and Ontario Regulation 135/15.
4. An Off Road Vehicle shall not be driven at a rate of speed greater than:
 - (a) 20 kilometres per hour, if the speed limit established under the Highway Traffic Act or by Municipal By-law for that part of the highway is not greater than 50 kilometres per hour;Or
 - (b) 50 kilometres per hour, if the speed limit established under the Highway Traffic Act or by Municipal By-law for that part of the highway is greater than 50 kilometres per hour.
5. The Exemptions set out in Ontario Regulation 316/03 and Ontario Regulation 135/15, as amended from time to time, regarding the operation of Off-Road Vehicles on highways shall apply to this By-law and the permissions granted thereunder.

6. No person shall operate an Off-Road Vehicle:
 - (a) Over or upon the following areas, with the exception of recognized parking areas:
 - (i) Any Community Centre or Museum under the jurisdiction of The Corporation of the Township of Nipissing.
 - (ii) Any Park or Beach Area under the jurisdiction of The Corporation of the Township of Nipissing.
 - (iii) Any Cemetery under the jurisdiction of The Corporation of the Township of Nipissing.
 - (b) On any other municipally owned property, except municipal highways as authorized in this By-law and subject to subsection (a), without the expressed written consent of the municipality.
7. If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.
8. Any person operating an Off Road Vehicle in contravention of this By-law shall be guilty of an offence and subject to the penalties provided by law.
9. This By-law shall come into force and take effect upon final passage thereof.
10. By-law Number 1088 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 14TH DAY OF JULY, 2015.

THE CORPORATION OF THE
TOWNSHIP OF NIPISSING

Pat Haufe, Mayor

Charles H. Barton, CAO-Clerk