

BY-LAW NO. 2011/64

BEING A BYLAW TO REGULATE THE USE OF OFF ROAD VEHICLES

WHEREAS the Highway Traffic Act, R.S.O. 1990, Section 191.8, subsection (3), Chapter H.8, as amended, provides that the Council of a municipality may pass by-laws permitting the operation of off-road vehicles:

AND WHEREAS the Council of the Corporation of the Municipality of West Nipissing deems it in the best public interest to regulate, govern or prohibit the operation of off road vehicles within the Municipality.

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF WEST NIPISSING ENACTS AS FOLLOWS:

PART 1- DEFINITIONS

Amended by
By-Law 2015/55

“ALL TERRAIN VEHICLE” means an off-road vehicle :

- (i) has four wheels, all having contact with the ground,
- (ii) has a steering handlebars,
- (iii) has a seat that is designed to be straddled by the driver
- (iv) has two-up seating for one passenger with required passenger footrests

1.2 **“HIGHWAY”** means a highway as defined in the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended. Highway includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles.

1.3 **“MUNICIPAL LAW ENFORCEMENT OFFICER’** means a member of the West Nipissing Police Service, or any other person appointed by the Council for the Municipality of West Nipissing, for the enforcement of municipal by-laws, including this by-law.

1.4 **“MUNICIPALITY”** means the Corporation of the Municipality of West Nipissing.

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“OFF-ROAD VEHICLE” means an off-road vehicle that :

- (i) has four or more wheels, all having contact with the ground,
- (ii) has a steering wheel or handlebars
- (iii) has seats that are not designed to be straddled, including side-by-side seating,
- (iv) has a roll-over protective structure ,
- (v) has a seat belt for each seating position

1.6 **“POLICE SERVICES’** means the West Nipissing Police Service.

1.7 **“PRIVATE PROPERTY”** includes developed Municipally-owned property, Church property and School Board property, Hospital and Home for Aged property or Cemetery Board property.

1.8 **“PUBLICLY OWNED PROPERTY”** includes land or premises under the control and management of the Corporation of the Municipality of West Nipissing.

1.9 **“SIDEWALK”** means a path or strip of land paved or otherwise in, on or alongside a highway and designed and intended for use by the general public for pedestrian travel. In addition, sidewalk includes any property that is or hereafter may be physically set apart or made available and intended for pedestrian use.

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“UTILITY TERRAIN VEHICLE” means an off-road vehicle that :

- (i) has four or more wheels, all having contact with the ground,
- (ii) has a steering wheel,
- (iii) has seats that are not designed to be straddled, including side-by-side seating,
- (iv) has a roll-over protective structure ,
- (v) has a seat belt for each seating position
- (vi) has a cargo box

PART 2- GENERAL OPERATION

Amended by
By-Law 2015/55

Off-road vehicles may be driven on all highways within the Municipality of West Nipissing save and except those specified in Section 2.2 herein; only if, in addition to meeting the requirements of this by-law and Part III of Ontario Regulation 316-03;

2. 2 Off road vehicles shall be prohibited from traveling in, over or upon the following streets within the Town of Sturgeon Falls in the Municipality of West Nipissing:
- a) Main Street, commencing at Front Street to John Street
 - b) King Street, commencing at Front Street to John Street
 - c) Queen Street commencing at Levesque Street to Holditch Street
 - d) William Street commencing at Levesque Street to Holditch Street

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- e) Holditch Street, commencing at Front Street to John Street

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- f) Front Street (Highway 17), commencing at Pine Street to Coursol Road.

- 2.3 No person shall operate an Off Road Vehicle over or upon the following areas,
- a) On any municipal property, i.e. Arena, Complex, Parks, Playgrounds,
 - b) on any sidewalk within the Municipality of West Nipissing,
 - c) on any centre meridian of a boulevard within the Municipality of West Nipissing,
 - d) Subsection (a) and (b) does not apply to members of the West Nipissing Police Service or to anyone with specific authorization from Council for a specific event.
- 2.4 No person shall operate an off road vehicle in or on any publicly owned property within the boundaries of the Municipality of West Nipissing unless:
- a) authorized by the West Nipissing Municipal Council
 - b) on authorized posted trails.
- 2.5 No person shall operate an off road vehicle within 100 metres of any school property, on the Municipality of West Nipissing, except if their permanent residence is situated within that area.
- 2.6 The operator of an off road vehicle shall ensure:
- a) that when towing a trailing device, that the said trailing device shall be equipped with a rigid hitch and shall be fastened securely to the off road vehicle.
 - b) that all trailing devices shall meet all requirements in accordance with the Highway Traffic Act and the Off Road Vehicle Act.

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By-Law 2015/55

Riders of all ages are required to wear an approved helmet, securely fastened under the chin and wear a seat belt or use foot rests, when applicable.

Amended by
By-Law 2015/55

Drivers operating an off-road vehicle along a road or highway must be at least 16 years of age, hold a valid G2 or M2 driver’s license, and the off-road vehicle must be registered and insured.

PART 3 OFFENCES

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 of not less than ninety dollars (\$90.00) and not more than two thousand (\$2,000.00) exclusive of costs, for each offence.

PART 4 – ENFORCEMENT

The provisions of this by-law shall be enforced by the West Nipissing Police Service or by any Municipal Law Enforcement Officer or person appointed by Council.

PART 5 – REPEAL

By-law 2004/25 is hereby repealed.

PART 7 – EFFECTIVE DATE

This by-law shall come into force and take effect immediately upon the passing thereof.

ENACTED AND PASSED THIS 20th DAY OF SEPTEMBER, 2011 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

« *Mayor Joanne Savage* »
JOANNE SAVAGE
MAYOR

« *Melanie Ducharme* »
MELANIE DUCHARME
CLERK