

THE CORPORATION OF THE TOWNSHIP OF HORNEPAYNE

BY-LAW NO. 925

Being a by-law to regulate the operation of Off-Road Vehicles on highways only in the Township of Hornepayne.

Whereas pursuant to Section 11.(1)l, of the Municipal Act, 2001, a Municipality may pass by-laws with respect to highways, including parking and traffic on highways;

And Whereas under section 27 of the Municipal Act, 2001 the Municipality may pass by-laws with respect to highways over which it has jurisdiction;

And Whereas subsection 191.8(3) of the Highway Traffic Act R.S.O. 1990 c.H.3 enables municipal councils to pass by-laws relating to the operation of Off-Road Vehicles on certain highways within the Municipality under the jurisdiction of the Municipality;

Whereas the Highway Traffic Act, Ontario Regulation 316/03, authorizes Councils of local Municipalities to pass by-laws regulating, governing or prohibiting the operation of Off-Road Vehicles within the municipality including any highways therein or any part or parts thereof;

And Whereas it is deemed advisable to regulate, govern and prohibit the operation of Off-Road Vehicles.

Definition of Off-Road Vehicles for purpose of this by-law is:

- (i) has four wheels, the tires 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, and
- (iv) is designed to carry the driver only and no passengers

Definition of Highway for the purpose of this by-law is a common and public highway, street, avenue, parkway, driveway, square, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles.

THEREFORE the Council of the Corporation of the Township of Hornepayne hereby ENACTS AS FOLLOWS:

1. Times of Operation
 - 1.1 No person shall operate an off-road vehicle on or across a highway or part hereof between the hours of 11pm on one day and 6am on the following day.
2. Parking and Operation of Off-Road Vehicles on Sidewalk
 - 2.1 No person shall operate an off road vehicle on or across a sidewalk
 - 2.2 No person shall park an off-road vehicle on a sidewalk
3. Operation of Off-Road Vehicles on Highways
 - 3.1 Notwithstanding subsection 3.1, a person may operate an off-road vehicle on or across a highway for access to a trail provided that the shortest, safest route to the trail is taken, the off-road vehicle is operated in accordance with a the provisions of the Off-Road Vehicle On Highway Regulations made under the Highway Traffic Act, and the Off-Road Vehicle is conforming with the Off-Road Vehicles Act.
 - 3.2 Off Road vehicles equipped with a plow for snow removal purposes shall be authorized on or across a highway for snow plowing purposes only.

4. Speed Limit
4.1 Where permitted under this by-law to operate an Off-Road Vehicle, the operator shall do so in accordance with Ontario Regulation 316/03, Highway Traffic Act. Notwithstanding the speed shall not exceed 20 kilometers per hour on any road where the posted speed is 50 km/h and 50 kilometers per hour when the posted speed is more than 50 km/h.
5. Penalty
5.1 Any person is guilty of an offence and is liable upon conviction to a fine as provided under the Provincial Offences Act.
6. Short Title
6.1 This by-law shall be known as the "Off-Road Vehicle By-Law".

Read a first and second time this 3rd day of November 2004.

Read a third time and finally passed this 3rd day of November 2004.


Presiding Officer

Clerk