

THE CORPORATION OF THE TOWN OF KAPUSKASING

BY-LAW NO. 4045

Being a by-law to regulate Off-Road Vehicles within the Town of Kapuskasing and repeal By-Law 2945.

WHEREAS Section 8 of the *Municipal Act*, S. O. 2001, C. 25, as amended, confers broad authority upon municipalities and provides that a municipal power shall be exercised by by-law;

AND WHEREAS Section 10 of the *Municipal Act* S. O. 2001, C. 25, as amended, provides that a municipality may pass by-laws to provide a service or thing that the municipality considers necessary or desirable;

AND WHEREAS Section 191.8, subsection (3) of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, provides that a Council of a municipality may pass by-laws with respect to the operation of off-road vehicles on any highway within the municipality that is under jurisdiction of the municipality, or on any part or parts of such highway;

AND WHEREAS the *Highway Traffic Act* O. Regulation 316/03 has been amended and now extends on-road access for more types of off-road vehicles (ORVs) and all-terrain vehicles (ATVs) as defined by the *Highway Traffic Act* O. Regulation 316/03;

AND WHEREAS Kapuskasing Council deems it expedient to enact a by-law for Off-Road Vehicles as defined by the *Highway Traffic Act* O. Regulation 316/03 that allows off-road vehicles to have increased access;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF KAPUSKASING ENACTS AS FOLLOWS:

1. That off-road vehicles as defined in accordance with the *Highway Traffic Act* R.S.O. 1990, c. H.8 shall be permitted on highways (streets) within the Town of Kapuskasing and are subject to the provisions of Ontario Regulation 316/03.
2. No person shall operate or permit the operation of an off-road vehicle as defined in accordance with the *Highway Traffic Act* R.S.O. 1990, c. H.8 in the Circle Street area and streets leading to Circle Street, as shown on Schedule "A", as attached and which forms part of this by-law.
3. No person shall operate or permit the operation of an off-road vehicle over and upon:
 - a) Any municipal owned or municipal maintained land such as sidewalks, parks, greenbelts, cemeteries and playgrounds unless posted accordingly; and
 - b) On any private property, roads or driveways without the consent of the owner.
4. No person shall operate or permit the operation of an off-road vehicle, as defined in accordance with the *Highway Traffic Act* O. Regulation 316/03, within the Town of Kapuskasing, including any highways therein or any part or parts thereof, after 11 p.m. or before 6:30 a.m. of any day.

5. No person shall operate or permit the operation of an off-road vehicle, as defined in accordance with the *Highway Traffic Act* O. Regulation 316/03, within the Town of Kapuskasing, at a rate of speed greater than;
 - a) 20 kilometres per hour, if the speed limit established 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 for that part of the highway is greater than 50 kilometres per hour.
6. No person shall operate or permit the operation of an off-road vehicle within the Town of Kapuskasing without meeting all the provisions of the *Highway Traffic Act* and provisions of Ontario Regulation 316/03.
7. Off-road vehicles shall be subject to all regulations and by-laws governing the parking of vehicles within the Municipality.
8. Any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction, where a fine for the contravention is not otherwise provided under the Highway Traffic Act, is liable to a fine under the Provincial Offences Act not exceeding \$300.
9. That By-Law No. 2945 be hereby repealed.
10. This by-law comes into force and takes effect on the date of its final passage.

ENACTED AND PASSED THIS 14TH DAY OF SEPTEMBER, 2015.

**UNDER THE SEAL OF THE CORPORATION OF THE TOWN OF
KAPUSKASING.**

Mayor

Clerk