

THE CORPORATION OF THE TOWNSHIP OF PERRY

BY-LAW No. 2015 - 33

Being a By-law to permit the Operation of Off Road Vehicles on
Highways Under the Jurisdiction of The Corporation of the Township of Perry

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 Perry 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 certain highways within the jurisdiction of the Township of Perry, or on any part or parts of such highways;

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

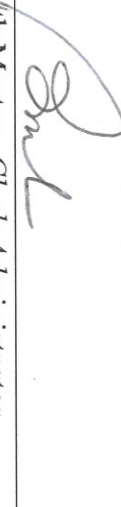
1. In this By-law:
 - (a) "Highway" means a highway as defined in the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended.
 - (b) "Off-Road Vehicle" means an off-road vehicle as defined in the Off-Road Vehicles Act, R.S.O. 1990, Chapter O.4.
2. An Off Road Vehicle operated on highways under the jurisdiction of The Corporation of the Township of Perry must meet the equipment requirements as set out in Ontario Regulation 316/03 and Ontario Regulation 135/15.
3. 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.
4. 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.

5. 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 under the jurisdiction of The Corporation of the Township of Perry.
 - (ii) Any Park, Playground or Beach Area under the jurisdiction of The Corporation of the Township of Perry.
 - (iii) Any Sports Field under the jurisdiction of The Corporation of the Township of Perry.
 - (iv) Any Cemetery under the jurisdiction of The Corporation of the Township of Perry.
 - (v) Any Fairgrounds under the jurisdiction of The Corporation of the Township of Perry.
 - (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.
6. 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.
7. Any person operating an Off Road Vehicle in contravention of this By-law shall be guilty of an offence and upon conviction is liable to a fine as provided for under the Highway Traffic Act.
8. That By-law No. 2004-07 is hereby repealed.
9. That this By-law shall come into force and take effect upon final passage thereof.

READ a First and Second Time this 15th day of July, 2015.




Norm Hofstetter, Mayor




Beth Morton, Clerk-Administrator

READ a Third and Final Time and Enacted in Open Council this 15th day of July, 2015.



Norm Hofstetter, Mayor



Beth Morton, Clerk-Administrator