

THE CORPORATION OF THE TOWNSHIP OF PLUMMER ADDITIONAL

By-Law 2015-36

Repeals By-law 2003-56

Being a By-Law to **Regulate Off-Road Vehicles** on Highways within the Township of Plummer Additional.

WHEREAS the Highway Traffic Act, R.S.O. 1990 Section 191.8 Chapter H.8, 9as 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 c. H.8 Ontario Regulation 316/03, and 316-15 (as amended) defines “off road vehicle” and provides the regulations governing the operation of off-road vehicles upon highways within municipalities;

AND WHEREAS the Municipal Council of the Township of Plummer Additional deems it in the public’s interest to regulate the operation of all Off-Road Vehicles on highways within the jurisdiction of the Township of Plummer Additional, or on any part or parts of such highways.

NOW THEREFORE the Council of The Corporation of the Township of Plummer Additional **ENACTS AS FOLLOWS:**

DEFINITIONS:

1. For the purpose of this by-law:
 - a) Off-Road Vehicles are defined as in accordance with Ontario Regulation 316/03 and 135/15 of the Highway Traffic Act, and in any amendments thereto.
 - b) “Council” is defined as the “Council of the Township of Plummer Additional”
 - c) “Highway” is as defined in accordance with the Highway Traffic Act, and amendments thereto.
 - d) “Municipality” means the Township of Plummer Additional
2. Off Road Vehicles are permitted on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway, subject to the provisions set out under Ontario Regulation 316/03 and Ontario Regulation 135/15 of the Highway Traffic Act, and any amendments thereto.
3. Council may temporarily suspend this by-law or any part thereof for one or more days, as Council deems necessary. Any such suspension must be by by-law or resolution.
4. An Off-Road Vehicle shall not be driven at a rate of speed greater than:
 - (a) 20 kilometers 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 kilometers per hour; or
 - (b) 50 kilometers 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 kilometers per hour.

5. All applicable provisions of the Highway Traffic Act, R.S.O. 1990 (as amended) and Ontario Regulation 316/03 (as amended) shall apply to the operation of Off-Road Vehicles on highways.
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 remain in force.
7. 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.
8. The penalties provided under the Highway Traffic Act shall apply to offences with respect to this by-law and shall be enforced by the local Ontario Provincial Police.
9. That by-law 2003-56 is hereby repealed.
10. This by-law shall become effective on the final date of its passing.

Read three times, passed, and enacted this 16th day of September, 2015.

Mayor: Beth West

Clerk: Vicky Goertzen-Cooke