

THE CORPORATION OF THE TOWNSHIP OF CHISHOLM

BY-LAW NO. 2015-27

**BEING A BY-LAW TO PERMIT THE OPERATION OF OFF-ROAD VEHICLES
ON ANY HIGHWAY WITHIN THE MUNICIPALITY THAT IS
UNDER THE JURISDICTION OF THE TOWNSHIP OF CHISHOLM**

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 on any highway within the municipality that is under the jurisdiction of the municipality, or on any part of such highway;

AND WHEREAS the Council of the Corporation of the Township of Chisholm deems it desirable to enact such a By-Law;

NOW THEREFORE the Council of the Corporation of the Township of Chisholm **ENACTS AS FOLLOWS:**

1.0 Definitions

“all-terrain vehicle” means an off-road vehicle that,

- (a) has four wheels, the tires of which are all in contact with the ground,
- (b) has steering handlebars,
- (c) has a seat that is designed to be straddled by the driver, and
- (d) is designed to carry,
 - (i) a driver only and no passengers, or
 - (ii) a driver and only one passenger, if the vehicle,
- (A) has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
- (B) is equipped with foot rests for the passenger that are separate from the foot rests for the driver;

“multi-purpose off-highway utility vehicle” means an off-road vehicle that,

- (a) has four or more wheels, the tires of which are all in contact with the ground,
- (b) has a steering wheel for steering control,
- (c) has seats that are not designed to be straddled, and
- (d) has a minimum cargo capacity of 159 kilograms;

“off-road vehicle” has the same meaning as in the *Off-Road Vehicle Act*. O. Reg. 316/03, s. 1.

“recreational off-highway vehicle” means an off-road vehicle that,

- (a) has four or more wheels, the tires of which are all in contact with the ground,
- (b) has a steering wheel for steering control,
- (c) has seats that are not designed to be straddled, and
- (d) has an engine displacement equal to or less than 1,000 cubic centimetres;

“seat belt assembly” means a device or assembly composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person.

2.0 General Provisions

- 2.1 That the operation of off-road vehicles, meaning, an all-terrain vehicle, a multi-purpose off-highway utility vehicle or a recreational off-highway vehicle shall be permitted on any highway within the Township of Chisholm under the jurisdiction of the Township of Chisholm in accordance with O. Reg 316/03 of the Highway Traffic Act and any amendments thereto.
- 2.2 That off-road vehicles 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.

3. Repeals

- 3.1 That By-Law No. 2004-13 is hereby repealed.

4. Penalties

- 4.1 The penalties provided under the Highway Traffic Act shall apply to offenses with respect to this By-Law.

- 5. THAT this By-law shall come into force and take effect as of August 11th, 2015 in accordance with the Highway Traffic Act R.S.O., 1990, Section 191.8, Subsection (3), Chapter H.8, as amended.

READ A FIRST, SECOND and THIRD time and FINALLY PASSED this 11th day of August, 2015.

Mayor, Leo Jobin

Clerk-Treasurer, Linda Ringler