

THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING  
BY-LAW NO. 2004/25  
BEING A BYLAW TO REGULATE THE USE OF  
OFF ROAD VEHICLES

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 must be four (4) wheels and low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality or on any part or parts of such highways:

AND WHEREAS the Council of the Corporation of the Municipality of West Nipissing deems it in the best public interest to regulate, govern or prohibit the operation of off road vehicles within the Municipality.

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF WEST NIPISSING ENACTS AS FOLLOWS:

PART 1- DEFINITIONS

- a) "**Highway**" means a highway as defined in the Highway Traffic Act, R.S.O. 1990.
- b) "**All Terrain Vehicle**" means an off road vehicle that,
  - (i) has four wheels, the tires of 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 a driver only and no passengers;
- c) "**Off Road Vehicle**" has the same meaning as in the "Off Road Vehicles Act".
- d) "**Low pressure bearing tire**" means a wide, balloon type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70 kpa (10 psi); (pounds per square inch).
- e) "**Sidewalk**" means a path or strip of land paved or otherwise in, on or alongside a highway and designed and intended for use by the general public for pedestrian travel. In addition, sidewalk includes any property that is or hereafter may be physically set apart or made available and intended for pedestrian use.
- f) "**Private Property**" includes developed Municipally-owned property, Church property and School Board property, Hospital and Home for Aged property or Cemetery Board property.
- g) "**Publicly Owned Property**" includes land or premises under the control and management of the Corporation of the Municipality of West Nipissing.

## PART 2- GENERAL OPERATION

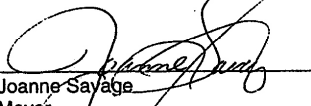
1. All terrain vehicles may be driven on all highways within the Municipality of West Nipissing save and except those specified in section 3 herein; only if, in addition to meeting the requirements of this by-law and Part III of Ontario Regulation 316-03, there is only one driver and no passenger on the all-terrain vehicle at the time.
2. Off road vehicles shall be prohibited from traveling in, over or upon the following streets within the Town of Sturgeon Falls in the Municipality of West Nipissing.
  - a) Main Street, commencing at Front Street to John Street
  - b) King Street, commencing at Front Street to John Street
  - c) Queen Street commencing at Levesque Street to Holditch Street
  - d) William Street commencing at Levesque Street to Holditch Street
3. No person shall operate an Off Road Vehicle over or upon the following areas,
  - a) On any municipal property, I.e. Arena, Complex, Parks, Playgrounds;
  - b) On any sidewalk within the Municipality of West Nipissing
  - c) On any centre meridian of a boulevard within the Municipality of West Nipissing,
  - d) Subsection (a) and (d) does not apply to members of the West Nipissing Police Service or to anyone with specific authorization from Council for a specific event.
4. No person shall operate an off road vehicle in or on any publicly owned property within the boundaries of the Municipality of West Nipissing unless
  - a) authorized by the West Nipissing Municipal Council
  - b) on authorized posted trails.
5. No person shall operate an off road vehicle within 100 metres of any school property, on the Municipality of West Nipissing, except if their permanent residence is situated within that area.
6. The operator of an off road vehicle shall ensure:
  - a) That when towing a trailing device, that the said trailing device shall be equipped with a rigid hitch and shall be fastened securely, to the off road vehicle.
  - b) That all trailing devices shall meet all requirements in accordance with the Highway Traffic Act and the Off Road Vehicle Act.


## PART 3 OFFENCES

Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine of not less than ninety dollars (\$90.00) and not more than two thousand (\$2,000.00) exclusive of costs, for each offence.

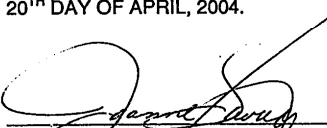
This by-law shall come into force and take effect immediately upon the passing thereof and proclamation of all legislation that pertains to the Highway Traffic Act and by the Council of the Municipality of West Nipissing.


READ A FIRST AND SECOND TIME IN OPEN COUNCIL ON THIS 20<sup>TH</sup> DAY OF APRIL, 2004.

  
Joanne Savage  
Mayor

  
Jean Pierre Barbeau  
Clerk

READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL ON THIS 20<sup>TH</sup> DAY OF APRIL, 2004.

  
Joanne Savage  
Mayor

  
Jean Pierre Barbeau  
Clerk