



The Corporation of the Township of Hamilton

By-law Number 2021 - 48

Being A By-Law To Regulate The Operation Of Off-Road Vehicles On Municipal Highways Within The Township Of Hamilton

WHEREAS pursuant to Section 191.8(3) of the Highway Traffic Act, R.S.O., 1990, Chapter H8, as amended, the Council of a municipality may pass by-laws:

1. permitting the operation of off-road vehicles with three or more wheels on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway; and,
2. prescribing a lower rate of speed for off-road vehicles with three or more wheels than that prescribed for off road vehicles by regulation on any highway within the municipality that is under its jurisdiction, or on any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways.

AND WHEREAS pursuant to Section 191.8(4) of the Highway Traffic Act, R.S.O., 1990, Chapter H8, as amended, the Council of a municipality may pass by-laws:

1. A by-law passed under Section 191.8(3) of the Highway Traffic Act, R.S.O., 1990, Chapter H8, as amended, may permit the operation of off-road vehicles with three or more wheels on any highway or on any part or parts of a highway only during specified months or hours.

NOW THEREFORE BE IT RESOLVED that the Council of The Corporation of the Township of Hamilton enacts as follows:

Section 1: DEFINITIONS

- 1.1 **"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;
- 1.2 **"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;
- 1.3 **"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 is equipped with foot rests for the passenger that are separate from the foot rests for the driver;

- 1.4 "Off-road vehicle" has the same meaning as in the Off-Road Vehicles Act. O. Reg. 316/03, s. 1.
- 1.5 "Highway" includes a common and public highway, street, avenue, parkway, driveway, any part of which is intended for use or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- 1.6 Dusk means the period in time one half hour before sunset, for the purpose of this by-law.
- 1.7 Dawn means the period in time one half hour following sunrise, for the purpose of this by-law.

Section 2: REGULATION OF OFF-ROAD VEHICLES ON HIGHWAYS

- 2.1 No person shall operate an off-road vehicle on a highway under municipal jurisdiction unless it meets the equipment requirements of Sections 7 to 15 of O. Reg. 316/03 and it is operated in accordance with Sections 16 to 24 of O. Reg.316/03.
- 2.2 No person shall operate an off-road vehicle at a rate of speed greater than:
 - i. 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 less than 50 kilometers per hour, or
 - ii. 30 km/hr less than the established speed limit under the Highway Traffic Act or by Municipal by-law for that part of the highway is greater than 50 kilometers per hour.

Section 3: GENERAL

- 3.1 Operation of multi-purpose off-highway utility vehicles, recreational off-highway vehicles, and all-terrain vehicles shall be permitted, by by-law, upon all highways under the jurisdiction of the Township of Hamilton and shall be subject to the provisions of this by-law and in accordance with Ontario Regulation 316/03 of the Highway Traffic Act, as amended.
- 3.2 No person shall operate multi-purpose off-highway utility vehicles, recreational off-highway vehicles, and all-terrain vehicles on highways under the jurisdiction of the Township of Hamilton except from dawn April 1st to dusk on November 30th annually.
- 3.3 No person shall operate an off-road vehicle on highways within the Township of Hamilton between the time periods of Dusk and Dawn as defined in this by-law.
- 3.4 No person shall operate an off-road vehicle on highways within the Township of Hamilton with an exhaust system that has been changed or altered from the installed factory stock exhaust system. Modifications are not permitted.

Section 4: ENFORCEMENT AND PENALTIES

- 4.1 **Penalties :** Every person who contravenes any section of this by-law is guilty of an offence and upon conviction is liable to such fines and penalties as are provided for in the Provincial Offences Act.

Where a Police Officer finds a person in violation of any provisions of this by-law, the Police Officer may serve an Offence Notice under the Provincial Offences Act with a set fine on such person.
- 4.2 **Schedule Shall Apply:** Every person operating an off-road vehicle on highways within the Township of Hamilton is subject to all relevant regulations contained in Schedule A of this by-law.
- 4.3 **Enforcement:** Ontario Provincial Police Officers may enforce this by-law.

4.4 **Multiple Offences:** The conviction of an offender for the breach of any provisions of this by-law shall not operate as a bar to a prosecution against the same offender upon any subsequent or continued breach of any provision of this by-law.

Section 5: EXEMPTIONS

Any person who enjoys an exemption under Part N – Exemptions of O. Reg 316/03 will continue to enjoy the provisions as outlined.

Section 6: VALIDITY

If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby and is hereby declared to be the intention of Council that each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

Section 7: MONITORING

That this by-law shall be monitored by the Chief Administrative Officer (CAO) or a designate who shall prepare a report at the request of Council or as determined by the CAO.

Section 8: EFFECT AND FORCE

1. By-law 2020-67 will remain in place until March 30th, 2022 at which time it is hereby repealed.
2. This By-law shall come into force April 1st, 2022.

By-law 2021-48 be introduced and deemed to be read a first, second, and third time, passed and properly signed and sealed this 19th day of October, 2021.



William Cane, Mayor



D. Livingstone, Municipal Clerk

I, Municipal Clerk of the Corporation of the Township of Hamilton, hereby certify this to be a true and correct copy of the original document.
Dated this 16th day of February 2022.
Municipal Clerk, D. Livingstone

Schedule 'A'
Township of Hamilton

PART 1 Provincial Offences Act

**By-law 2021-48 Being a By-law to Regulate The Operation Of Off-Road Vehicles
On Municipal Highways Within The Township Of Hamilton**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 4 Set Fine
1	Operating an Off-Road Vehicle after dusk on November 30 th and before dawn on April 1st	Section 3.2	\$200.00
2	Operating an Off-Road vehicle between dusk and dawn	Section 3.3	\$200.00
3	Having a Modified Exhaust system on an Off-Road Vehicle	Section 3.4	\$200.00

"Note: the general provision for the offence created above is Section 4 of By-law 2021-48, a certified copy of which has been filed".