

**THE CORPORATION OF THE  
TOWNSHIP OF NAIRN AND HYMAN**



**BY-LAW NUMBER 2004-6**

**BEING A BY-LAW TO REGULATE THE USE OF OFF ROAD  
VEHICLES WITH FOUR WHEELS**

**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 with 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 Township of Nairn and Hyman 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 Corporation of the Township of Nairn and Hyman hereby enacts as follows:

1. In this By-law:
  - a) "Street, Highway and Laneway" means a highway as defined in the Highway Traffic Act, R.S.O. 1990.
  - b) "Off Road Vehicle" means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel.
  - c) "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);
  
2. Off road vehicles shall be prohibited from travelling in, over or upon the following streets in the Township of Nairn and Hyman and the said streets shall hereinafter be referred to as restricted streets, namely:
  - a) nil.
  
3. No person shall operate an Off Road Vehicle:
  - 1) Over or upon the following areas, (parking lots excepted) namely:
    - a) Nairn Centre Ballfield area.
    - b) Nairn Community Centre.
    - c) Nairn and Hyman All Sports Centre.
    - d) Nairn Centre Beach.
    - e) Township of Nairn and Hyman Garage Area.
    - f) Nairn Centre Fire Hall.
    - g) Hyman Fire Hall.
    - h) All parks and playgrounds.
  
  - 2) Council may grant exemptions to any of the areas noted in items 1a) to 1i). Exemptions may be in the form of a motion by council.
  
  - 3) On any sidewalk within the municipality.
  
  - 4) On any boulevard within the municipality.

4. Off road vehicles may drive along, upon, or across municipal streets and/or highways at a speed not to exceed twenty (20) kilometers per hour.
5. Off road vehicles may cross restricted streets in the following manner only:
  - a) The operator shall first ensure that this movement can be made in safety and shall then drive his/her off-road vehicle directly across the said restricted street.
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.
7. General Provisions
8. 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 as provided for in the Provincial Offences Act.
9. 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 Corporation of the Township of Nairn and Hyman.

Read a first, second and third time  
in open council on this 5<sup>th</sup>  
day of April, 2004.

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Reeve

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Clerk/CAO

file: B:\2004-6.Bylaw.wpd