

Authority: Item 10, Planning Committee
Report 21-019 (PED21110(b))
CM: December 15, 2021
Ward: City Wide

Bill No. 245

CITY OF HAMILTON

BY-LAW NO. 21-245

To Amend By-law No. 21-121, Being A By-law to Regulate Off-Road Vehicles

WHEREAS Section 191.8 (3) (b) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, authorizes municipalities to pass a by-law prohibiting 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 Council of the City deems it advisable to prohibit the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality;

AND WHEREAS the *Off-Road Vehicles Act*, R.S.O. 1990, c.O4 ("*Off-Road Vehicles Act*") regulates the operation of off-road vehicles on property other than highways;

AND WHEREAS Council of the City deems it appropriate to prohibit and regulate certain public nuisances in relation to off-road vehicles on property, other than highways, within the City pursuant to section 128 of the *Municipal Act, 2001* as amended;

AND WHEREAS in the opinion of Council for the City, the unregulated operation of off-road vehicles in the City of Hamilton is or could become a public nuisance;

AND WHEREAS Section 10 of the *Municipal Act, 2001*, as amended, authorizes municipalities to pass by-laws respecting the environmental well-being of the municipality, the health and safety and well-being of persons, and the protection of persons and property;

NOW THEREFORE the Council of the City enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That By-law No. 21-121 be amended by adding the following definition under Part I - Interpretation:

Definition

“Motorized Snow Vehicles” shall mean a self-propelled vehicle designed to be driven primarily on snow.

“vehicle” shall mean an All-terrain Vehicle, Extreme Terrain Vehicle, Multi-purpose Off-highway Utility Vehicle, Off-Road Motorcycle, Off-Road Vehicle, Motorized Snow Vehicle or Recreational Off-highway Vehicle.

3. That in all other respects, By-law No. 21-121 is confirmed.
4. That the provisions of this By-law shall take full force and effect on its day of passing.

PASSED this 15th day of December, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk