

**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 15<sup>th</sup> day of December, 2021

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk