

**THE CORPORATION OF THE MUNICIPALITY  
OF ST.-CHARLES**

**BY-LAW NUMBER 2004-09**

**BEING A BY-LAW TO PERMIT 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 HIGHWAYS**

**WHEREAS** the Highway Traffic Act, R.S.O. 1990, Section 191.8 (1) Chapter H.8 as amended, states that no person shall drive an off-road vehicle on a highway except in accordance with the regulations and any applicable municipal by-laws

**AND WHEREAS** Section 191.8 (3) of the Highway Traffic Act, R.S.O. 1990, Chapter H.8 as amended, states that the Council of a municipality may pass by-laws:

- a) permitting 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 highways

**AND WHEREAS** Section 4 (2) of Ontario Regulation 316/03 states that All-terrain vehicles may be driven on a highway listed in Schedule B only if, in addition to meeting the requirements of Part III, there is only one driver and no passenger on the all-terrain vehicle at the time.

**AND WHEREAS** Section 48 of Schedule B on the Ontario Regulation 316/03 states that every highway or part of a highway in a municipality on which an ATV is permitted to operate under the authority of by-law made by the municipality under subsection 191.8(3) of the Act, but only during the months or hours specified in the by-law if the by-law limits the operation of an ATV on a highway or part of a highway within the municipality to certain months or hours.

**NOW THEREFORE** the Council of the Corporation of the Municipality of St.-Charles enacts as follows:

For the purpose of this by-law, off road vehicle shall mean all terrain vehicle only as per the following definition and are the only types of off road vehicles permitted on municipal highways and roads

**1. DEFINITIONS**

"All-terrain vehicle" means an off-road vehicle that,

- a) has four wheels, the tires of all of which are 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 a driver only and no passengers; O. Reg. 316/03, s.1

## **2. MAXIMUM SPEED**

The off-road vehicle shall not be driven at a rate of speed greater than,

- a) 20 kilometres per hour, if the speed limit established under the Act for that part of the highway is not greater than 50 kilometres per hour; or
- b) 50 kilometres per hour, if the speed limit established under the Act for that part of the highway is greater than 50 kilometres per hour. O. Reg. 316/03, s.22

## **3. EXCEPTIONS**

No person shall operate an off-road vehicle over or upon the following areas;


- a) St-Charles Ball Field
- b) Ron Lapointe Park
- c) St.-Charles Cemetary
- d) St.-Charles Health Centre
- e) Centre Fabien Gauthier Business Centre
- f) On any sidewalks within the Municipality of St.-Charles

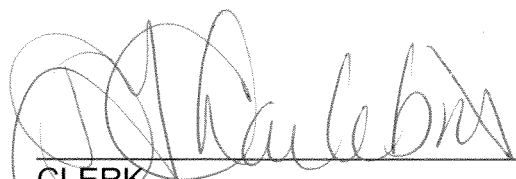
## **4. GENERAL PROVISIONS**

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 under Highway Traffic Act and the Compulsory Automobile Insurance Act.

This by-law shall come into force and take effect immediately upon passing by the Council of the Corporation of the Municipality of St.-Charles

**READ A FIRST TIME AND CONSIDERED READ A SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 17<sup>th</sup> DAY OF FEBRUARY 2004**

  
MAYOR

  
CLERK