

# THE CORPORATION OF THE TOWNSHIP OF CARLING

## BY-LAW NO. 2004-08

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Being a By-law to permit the operation of "All Terrain Vehicles" (ATV's) on highways under the jurisdiction of the Township of Carling from April 22, 2004 – April 25, 2004.

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**WHEREAS** the Highway Traffic Act, R.S.O. 1990, Section 191.8, subsection (3), Chapter H 8, as amended, authorizes the Council of a municipality to pass by-laws 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 highway;

**AND WHEREAS** a by-law passed under subsection (3) may permit the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway or on any part or parts of a highway only during specified months or hours;

**AND WHEREAS** the Council of the Corporation of the Township of Carling deems it advisable to regulate the operation of *All Terrain Vehicles*, being a class of Off-Road Vehicle as defined in Section 1 of Ontario Regulation 316/03, on highways within the jurisdiction of the municipality, or on any part or parts of such highways;

**AND WHEREAS** Council wishes to permit the operation of *All Terrain Vehicles* for a specific time period, being the weekend of April 22 – 25, 2004 to facilitate the holding of "Spring Jam 2004, Canada's Largest ATV Jamboree" sponsored by TRAX Georgian Bay in partnership with the Parry Sound ATV District Club;

**NOW THEREFORE** the Council of the Corporation of the Township of Carling enacts as a By-law of the Corporation as follows:

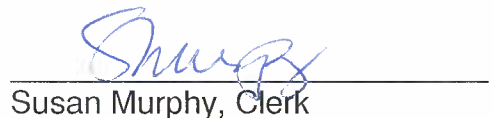
1. In this By-law:
  - (a) "All Terrain Vehicle" means an off-road vehicle that,
    - (i) has four wheels, the tires of all of which are in contact with the ground,
    - (ii) has steering handlebars,
    - (iii) has a seat that is designed to be straddled by the driver, and
    - (iv) is designed to carry a driver only and no passengers;
  - (b) "Highway" includes a common and public highway, street, avenue, laneway or bridge, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
  - (c) "Off-Road Vehicle" means an off-road vehicle within the meaning of the *Off-Road Vehicles Act*, R.S.O. 1990.
2. Between 8:00 a.m. Eastern Standard Time on April 22, 2004 and 11:00 p.m. Eastern Standard Time on April 25, 2004, *All Terrain Vehicles* are permitted to be operated on the traveled portion, including the shoulder, of any highway within the municipality that is under the jurisdiction of the municipality. All applicable provisions of the *Highway Traffic Act*, R.S.O. 1990 as amended and *Ontario Regulation 316/03* as amended shall apply.

3. No person shall operate an All Terrain Vehicle:
- a) Over or upon the following areas, with the exception of recognized parking areas:
    - (i) On any private property without consent of the owner;
    - (ii) On any municipal public property without the consent of the municipality.
4. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
5. Any person operating an All Terrain Vehicle in contravention of this by-law shall be guilty of an offence and subject to the penalties provided by law.
6. This by-law shall come into force and take effect upon third and final reading.

**READ a FIRST and SECOND** time this 16<sup>th</sup> day of February, 2004.

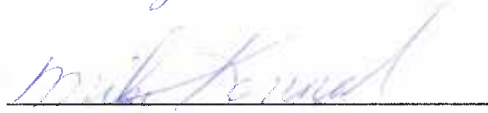


Mike Konoval, Reeve



Susan Murphy, Clerk

**READ a THIRD and FINAL** time and **PASSED** in **COUNCIL** this 16<sup>th</sup> day of February, 2004.



Mike Konoval, Reeve



Susan Murphy, Clerk