

THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN

BY-LAW 2004-14

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 1918(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 Markstay-Warren enacts as follows:

For the purpose of this by-law, off-road vehicles shall mean all terrain vehicles 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 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.3 16/03, s.22

3. EXCEPTIONS

- 3.1 No person shall operate an off-road vehicle over or upon certain areas listed in Schedule "A" attached hereto and forming part of this by-law;
- 3.2 No person shall operate an off-road vehicle on certain highways within the municipality during the specified hours as listed in Schedule "B" attached hereto and forming part of this by-law. Whenever certain hours are named herein, they shall mean Standard Time or Daylight Saving Time, whichever shall be in official current use in the municipality.

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 Markstay-Warren.

READ A FIRST, SECOND AND THIRD)

TIME AND FINALLY PASSED THIS)

21st DAY OF APRIL, 2004)

Original Signed by Mayor
and Clerk

THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN

**SCHEDULE "A" TO BY-LAW 2004-14
REFER TO SECTION 3.1
OPERATION OF OFF-ROAD VEHICLES PROHIBITED
OVER AND UPON CERTAIN AREAS**

1. Municipal Parks, Playgrounds, Ballfields, Memorial Parks
2. Municipal Cemeteries
3. Municipal Buildings' grounds
4. Municipal Pits and Quarries
5. Any sidewalks within the Municipality of Markstay-Warren

THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN
SCHEDULE "B" TO BY-LAW 2004-14
REFER TO SECTION 3.2
OPERATION OF OFF-ROAD VEHICLES PROHIBITED
ON CERTAIN HIGHWAYS AT SPECIFIED TIMES

(1) HIGHWAY	(2) INDIVIDUAL NAMES	(3) TIMES
Village of Markstay streets	1. Birch Street 2. Church Street 3. Front Street 4. Hagar Street 5. Hawthorne Street 6. Hill Street 7. Legion Street 8. Lucien Street 9. Main Street North 10. Main Street South 11. McMaster Street 12. Millichamp Street 13. Mountain Street 14. Pacific Street 15. Pioneer Street East 16. Pioneer Street West 17. Rejean Street 18. Rita Street 19. Rollande Street 20. Spruce Street	11:00 p.m. .5:00 a.m.
Village of Warren Streets	1. Balfour Street 2. Bertrand Street 3. Berube Lane 4. College Street 5. Laurier Lane 6. Lafontaine Street 7. Mangan Lane 8. Rutland Avenue 9. Salisbury Avenue (excl. Hwy 539 Section) 10. St. Thomas Street 11. Stanhope Avenue 12. Warren Avenue	11:00 p.m. .5:00 a.m.