

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN  
BY-LAW 2015-29**

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, multi-purpose off-highway utility vehicles and recreational off-highway vehicles may be driven on a highway listed in Schedule B if the requirements of Part III are met.

**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, multi-purpose off-highway utility vehicle and recreational off-highway vehicle as per the following definition and are the only types of off-road vehicles permitted on municipal highways and roads.

**1. DEFINITIONS**

“multi-purpose off-highway utility vehicle” means an off-road vehicle that,

- (a) has four or more wheels, the tires of which are all in contact with the ground,
- (b) has a steering wheel for steering control,
- (c) has seats that are not designed to be straddled, and
- (d) has a minimum cargo capacity of 159 kilograms;

“recreational off-highway vehicle” means an off-road vehicle that,

- (a) has four or more wheels, the tires of which are all in contact with the ground,
- (b) has a steering wheel for steering control,
- (c) has seats that are not designed to be straddled, and
- (d) has an engine displacement equal to or less than 1,000 cubic centimetres;

“all-terrain vehicle” means an off-road vehicle that,

(a) has four wheels, the tires of which are all 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,

(i) a driver only and no passengers, or

(ii) a driver and only one passenger, if the vehicle,

(A) has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and

(B) is equipped with foot rests for the passenger that are separate from the foot rests for the driver;

## **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.

All by-laws inconsistent with this by-law are hereby repealed.

This by-law shall come into force and take effect July 1, 2015

**READ A FIRST, SECOND AND THIRD**

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**TIME AND FINALLY PASSED THIS**

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**15<sup>th</sup> DAY OF JUNE, 2015**

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**Original Signed by  
Mayor & Clerk**

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN**  
**SCHEDULE "A" TO BY-LAW 2015-29**  
**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 2015-29**  
**REFER TO SECTION 3.2**  
**OPERATION OF OFF-ROAD VEHICLES PROHIBITED**  
**ON CERTAIN HIGHWAYS AT SPECIFIED TIMES**

<b>(1)</b> <b>HIGHWAY</b>	<b>(2)</b> <b>INDIVIDUAL NAMES</b>	<b>(3)</b> <b>TIMES</b>
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.