

THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NO. 2005-152

BEING a by-law to regulate the operation of all terrain vehicles within the City of Clarence-Rockland.

WHEREAS under the provision of the Municipal Act 2001, Section 8, the powers of natural person exercise of authority and Section 11 (1) spheres of jurisdiction.

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8, as amended provides that council of a municipality may pass by-laws;

- a. permitting the operation of off road vehicles on all highways under the jurisdiction of the City of Clarence-Rockland;
- b. prescribing a lower rate of speed for off road vehicles with three or more wheels and low pressure bearing tires than that prescribed for off road vehicles by regulation on any highway;
- c. permitting the operation of off road vehicles with three or more wheels and low pressure bearing tires on any highway or any part or parts thereof during specified months or hours.

NOW therefore the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

1. DEFINITIONS:

All Terrain Vehicle means an off road vehicle that,

- i. has four wheels, the tires all of which are in contact with the ground,
- ii. has a steering handlebar,
- iii. has a seat that is designed to be straddled by the driver, and
- iv. is designated to carry a driver only and no passengers.

Corporation means the Corporation of the City of Clarence-Rockland.

Highway includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

Ministry means the Ministry of Transportation and Communications.

Off Road Vehicle has the same meaning as in the Off Road Vehicles Act.

Organized Trail means the whole of any trail established and maintained by a municipally recognized ATV recreational organization for the use of off road vehicles.

Park means lands within the City of Clarence-Rockland which is designated for parks, conservation parkland and nature trails for recreation purposes.

Peace Officer means a Municipal Law Enforcement Officer appointed under Section 15 of the Police Services Act to enforce by-laws.

Registration Number means a number or combination of letters and numbers

Serviced Roadway means the part of a highway that is improved, designed or ordinarily used for vehicular traffic, and includes the plowed portion of the shoulder and, where a highway includes two or more separate serviced roadways, the term A serviced roadway@ refers to any one serviced roadway separately and not to all of the serviced roadways collectively.

GENERAL PROVISIONS

2. No person shall drive an All Terrain Vehicle on any highway under the jurisdiction of the Corporation, except within an organized trail as designated by council under schedule “A” of this By-law.
3. Subject to sections 2, any person driving an All Terrain Vehicle on an organized ATV trail as designated in Schedule “A” to this by-law, shall be subject to a recognized ATV club membership and may use the shoulder of the designated highway to travel.
4. No person shall drive an All Terrain Vehicle any highway and organized trails between the periods of the 15th day of March to the 15th day of May of every year.
5. Subject to sections 4, the Corporation may shorten or prolong the period of time where any designated highways under schedule “A” and organized trail may be closed to ATV traffic during the spring thaw period or at any time when the Corporation deem necessary to do so.
6. No person shall operate an All Terrain Vehicle on any highway or organized trail between the hours of 11 p.m. to 7 a.m.
7. No All Terrain Vehicle organized trails located on a private land shall be located within 200 feet from a dwelling.

8. No person shall drive an All Terrain Vehicle on land owned by the Corporation unless the driver has received a written permission from the Parks Director of the Corporation.

SPEED LIMIT

9. An All Terrain Vehicle shall not be driven at a rate of speed greater than:
 - a. 20 kilometers per hour, if the speed limit established under the Highway Traffic Act or by municipal By-law for that part of the highway is not greater than 50 kilometers per hour, or
 - b. 50 kilometers per hour, if the speed limit established under the Highway Traffic Act or by municipal By-law for that part of the highway is greater than 50 kilometers per hour.
 - c. 20 kilometers per hour, if part of a highway or organized trail is located in a "Quiet Zone" as designated under schedule "B" of this By-law.

IDENTIFICATION

10. Every All Terrain Vehicle shall have a registration number, in a clearly visible position, showing the registration number of the All Terrain Vehicle in the form and manner prescribed in the regulations of the ministry.
11. Further to section 10, every All Terrain Vehicle, shall bear a recognized ATV club membership registration number, in the form and manner prescribed by the recognized ATV club policies and guidelines.

EXEMPTIONS

12. In cases of emergency, parades and other special events, the Corporation may authorize or permit the use of All Terrain Vehicles on specific highways during specific times.
13. The regulations prescribed in this by-law does not apply to an All Terrain Vehicle operated by a police officer, constable, conservation officer or peace officer while on duty or any other employee as defined at section 25, Part IV, of the Ontario Regulation 316/03 made under the Highway Traffic Act.

BY-LAW REPEALED

14. That By-law No. 2004-33 is hereby repealed.
15. That this by-law shall come into force and take effect on the day of its final passing.

**READ, DONE AND PASSED IN OPEN COUNCIL, THIS 14TH DAY OF NOVEMBER,
2005.**

Richard Lalonde, Mayor

Daniel Gatien, Clerk

CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

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SCHEDULE “A”

“DESIGNATED HIGHWAYS AS ORGANISED ATV TRAILS”

Column 1
Highway

Column 2
Between

Division Rd (Closed Road)	Starting at the closed road portion of Division RD.(South) to the intersection of Maisonneuve Road
Maisonneuve Road	Division Rd (closed road) and Du Lac Rd
Du Lac Road	Maisonneuve Road to Lalonde Road
Lalonde Road	Du Lac Road and Intersection of Pilon Road (Closed road)
Pilon Rd (Closed Road)	Lalonde Road to Pilon Road
Boileau Road (Closed Road)	Lalonde Road to Russell Road
Boileau Road	Russell Road to Larose Forest

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SCHEDULE “B”

“DESIGNATED QUIET ZONE”

Column 1	Column 2
<u>Highway</u>	<u>Between</u>
1. Division Rd (Closed Road)	50 meters before and after 3355 St-Pascal Road
2. Maisonneuve Road	3360 Maisonneuve Road to 3169 Maisonneuve
	Road
3. Du Lac Road	2646 Du Lac Road to 2787 Du Lac Road
4. Boileau Road	3858 Boileau Road to 4037 Boileau Road and
	4300 Boileau Road to 4515 Boileau Road