

**THE CORPORATION OF THE TOWNSHIP OF MONTAGUE
BY-LAW NO. 3273-2012**

BEING a by-law to regulate the operation of all-terrain vehicles on all highways under the jurisdiction of the Township of Montague;

WHEREAS Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, Ch. 8, as amended, provides that a municipality may pass by-laws:

- i) Permitting the operation of off-road vehicles with low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality or on any part or parts of such highway.

NOW THEREFORE, the Council of the Corporation of the Township of Montague enacts as follows:

1. Jurisdiction

- 1.1 This by-law regulates the use of all-terrain vehicles on all highways under the jurisdiction of the Township of Montague, a lower tier municipality, only.
- 1.2 This by-law does NOT provided authority for:
 - a) Provincial highways
 - b) County of Lanark, upper tier municipality, highways
 - c) Private roads
 - d) Any highways situated outside the Township of Montague.

2. Definitions

- 2.1 "All-terrain vehicles" shall have the same meaning as defined in Ontario Regulation 316/03.
- 2.2 "Highway" shall have the same meaning as defined in the Highway Traffic Act.
- 2.3 "Low Pressure Bearing Tire" shall have the same meaning as defined in the Highway Traffic Act.
- 2.4 "Off-Road Vehicle" shall have the same meaning as defined in Ontario Regulation 316/03.

3. Regulation of All-Terrain Vehicles on Highways

- 3.1 An all-terrain vehicle shall not be operated on a highway unless it meets the requirements of O. Reg. 316/03, s. 6.
- 3.2 In addition, any all-terrain vehicle operating on a highway shall comply with the following provisions:

- a) An all-terrain vehicle shall have visible reflective strips maintained on all four sides of the vehicles;
- b) An all-terrain vehicle shall NOT have chains or studs on its tires.

3.3 Curfew – There shall be a curfew in effect seven days a week from 11:00 p.m. to 4:00 a.m. when no ATVs shall be allowed to travel on any highways within the Township.

4. Penalties

4.1 Any person who contravenes the Highway Traffic Act or its Regulations or this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act or Schedule “A” of this by-law.

5. One-Year Review

5.1 There shall be a review of this entire by-law at the first Council meeting in September of 2013.

6. Validity

6.1 If any section, clause or provision of this by-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

7. Where any by-law, passed prior to this by-law, conflicts with the terms of this by-law, this by-law shall prevail.

8. That this by-law come into force as of September 4th, 2012.

PASSED, SIGNED & SEALED THIS 17th DAY OF JULY 2012.

REEVE

CLERK

Schedule "A"
to by-law 3273-2012

**Part I Provincial Offences Act
Set Fines**

The sums to be paid as set fines are as follows:

Item	Column 1	Column 2	Column 4
	Short Form Wording	Provision Creating Offence	Set Fine
1	Travelling on a highway with tire studs or chains	S. 3.2 (b)	\$110.00
2	No visible reflective markings on four sides of ATV	S. 3.2 (a)	\$110.00

NOTE: The general penalty provision for the offences listed above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.

This is an office consolidation of By-law No. 3273-2012, as amended, and has been prepared for ease of reference. While every attempt has been made to ensure the accuracy of this consolidation, in the event of a discrepancy between this and the original By-law No. 3273-2012 (and various by-law amendments thereto), the original by-laws shall prevail.

Amended by:
3340-2013

CONSOLIDATION