

**THE CORPORATION OF THE MUNICIPALITY
OF ST.-CHARLES**

BY-LAW NUMBER 2004-09

**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 191.8 (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 St.-Charles enacts as follows:

For the purpose of this by-law, off road vehicle shall mean all terrain vehicle 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 a 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. 316/03, s.22

3. EXCEPTIONS

No person shall operate an off-road vehicle over or upon the following areas;


- a) St-Charles Ball Field
- b) Ron Lapointe Park
- c) St.-Charles Cemetary
- d) St.-Charles Health Centre
- e) Centre Fabien Gauthier Business Centre
- f) On any sidewalks within the Municipality of St.-Charles

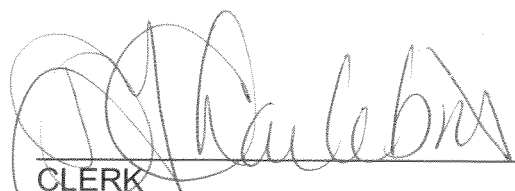
4. GENERAL PROVISIONS

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 St.-Charles

READ A FIRST TIME AND CONSIDERED READ A SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 17th DAY OF FEBRUARY 2004


MAYOR


CLERK