THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

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BY-LAW No. 2005-20

BEING a by-law to regulate the operation of All Terrain Vehicles on municipal highways within the Township of South Stormont.

<u>WHEREAS</u> the *Municipal Act, 2001*, c. 25 S. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

<u>AND WHEREAS</u> the *Municipal Act, 2001*, c. 25 S. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS pursuant to Section 191.8 (3) of the *Highway Traffic Act, RSO* 1990, c H.8, as amended, the Council of a Municipality may pass by-laws permitting the operation of off-road vehicles with three or more wheels and 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;

<u>AND WHEREAS</u> it is deemed in the best interest to regulate, govern, limit or prohibit the operation of off road vehicles within the municipality.

<u>NOW THEREFORE</u> Council of the Corporation of the Township of South Stormont enacts as follows:

I. Definitions:

In this by-law:

"All-Terrain Vehicle" shall mean 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.

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

"Off-Road Vehicle" shall mean an off-road vehicle within the meaning of the Off-Road Vehicles Act O. Reg. 316/03, s.1.

II. Regulation of All-Terrain Vehicles on Highways

- 1. No person shall operate an Off Road Vehicle described as "All-Terrain Vehicles" on Highways unless it meets the equipment requirements of Section 7 to 15 of O. Reg. 316/03 and it is operated in accordance with sections 16 to 24 of O. Reg. 316/03, s.6. except for Township Highways described as follows:
 - (i) north of the Highway 401 from the west Township boundary easterly to where Highway 401 crosses County Road 36;
 - (ii) north of County Road 36 east of the Highway 401 overpass to County Road 18; and
 - (iii) all roads north of County Road 18 from the intersection of County Roads 18 and 36 easterly to the eastern Township boundary.

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- 2. Application can be made to have Township Highways or portions thereof located outside the endorsed area included as approved Highways for the operation of All Terrain Vehicles, as listed in Schedule "A", attached hereto.
- 3. Township Highways listed in Schedule "A" must:
 - (i) conform to Township policy outlined in Schedule "B"; and

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(ii) must be included in a formal application form attached as Schedule "C".

III. General:

- 1. Operation of All-Terrain Vehicles shall be permitted by By-Law upon the Highways in the Township of South Stormont, as approved by sections 1 and 2, and in accordance with Ontario Regulation 316/03 of *the Highway Traffic Act* and *the Off Roads Vehicle Act*, as amended.
- 2. Whereas final approval for inclusion of additional Highways shall be issued at the discretion of Council in accordance with the general criteria as set out in Schedule "B" and the intent of the By-law.

IV. Penalties:

1. Any person who contravenes any section of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*.

V. Effective:

1. This by-law shall come into force and take effect on the day of its passing and shall remain in effect until otherwise amended or repealed.

READ and passed in open Council, signed and sealed this 9th day of March, 2005.

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Schedule "A" to By-law No. 2005-20

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Township Highway	From	То

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II.

Criteria to permit All Terrain Vehicles to utilize additional Township Highways:

- (i) A formal written request must be submitted.
- (ii) All crossings of a Township Highway perpendicular to the traffic shall be permitted.

(iii) Signage shall be provided by the group/person requesting the additional Highway or portion thereof.

Checklist for evaluating requests for All Terrain Vehicle use of Township Highways outside of approved area:

Road segment being considered: ______

Group/Person making application: ______

		YES	NO
1.	Written request received.		
2.	Highway Section is a small portion of rural road that joins segments of ATV trail, or provides part of the route		
	to a place of commerce using the shortest possible length of Township Road		
3.	The Highway Section(s) form(s) part of a recognized trail		
4.	The Highway Section has measurable stopping sight distances that are recognized for speed limit plus 10 km/h (see below).		
5.	The Group/Person has agreed to provide and erect the appropriate signing in accordance with the Ontario Traffic Manual.		

The answer of NO to any of the above questions may exclude that section from consideration.

Signing of all Highway segments shall include 60 cm X 60 cm reflective warning signs with the ATV symbol.

Stopping sight distance (for use with 4 above) Posted Speed Distance (for posted speed plus 10 km/h)

50 km/h	85 m (60 km/h)
60 km/h	110 m (70 km/h)
70 km/h	140 m (80 km/h)
80 km/h	170 m (90 km/h)

(pursuant to By-law No. 20		
Application Date:		
Applicant Information:		
Name:		
Phone:		
Fax:		
Email:		
Highway Section(s) Reque	sted	
Township Highway	From	То
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 Township of South Stormo Written request Highway Section trail, or provide possible length The Highway S The Highway S The Highway recognized for s The Group/Pers accordance with 	ont Highway, when the following or received. on is a small portion of rural road es part of the route to a place of of Township Road. ection(s) form(s) part of a recogni Section has measurable stoppi speed limit plus 10 km/h. son has agreed to provide and ere in the Ontario Traffic Manual.	conditions are met: I that joins segments of ATV commerce using the shortest ized trail. ng sight distances that are ect the appropriate signing in
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 Township of South Stormo Written request Highway Section trail, or provide possible length The Highway S The Highway S The Highway S The Highway recognized for s The Group/Pers accordance with In consideration of the gr harmless the Township of and expenses whatsoever k consequence of and incider repairing and damage to To of South Stormont accepts herein. The undersigned h	ont Highway, when the following of received. on is a small portion of rural road es part of the route to a place of of Township Road. ection(s) form(s) part of a recogni Section has measurable stoppi speed limit plus 10 km/h. son has agreed to provide and ere in the Ontario Traffic Manual. canting of this permit I hereby a South Stormont against all claims cind, which may in any way accr intal to the granting of this permit property and I further acl no responsibility for the accuracy ereby agrees with the conditions	conditions are met: I that joins segments of ATV commerce using the shortest ized trail. ng sight distances that are ect the appropriate signing in agree to indemnify and save s, liabilities, judgments, costs ue against the said Township and I agree to pay the cost of knowledge that the Township of the information contained

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PERMITTED ON TOWNSHIP ROADS Referto By-LAW NO. 2005-20 NORTH OF BLACK LINE OSNABBLICK-FINCH OSNABBUCK-EINCH GOLDFIELD RD. Shop locally - it helps everyone! WALDROFF ROAD BOUNDARY RD. WITTEVEEN RD. BOUNDARY ROAD HUNTER'S ROAD SANDTOWN ROAD NE MILE ROAD 12/ SAVING STREET ALLEN ROAD CARLFROATS NEWINGTON TRILLIUM ROAD 12 ROAD R 14/ LALONDE McMILLAN'S 111 BUSH GLEN CORNWALL-ROXBORQUGH BOUNDARY RD. McMILLAN'S CORNERS CORNERS RD. WEST EAST ð HOOPLE SEVENTH RAYMOND ROAD QUAIL ROAD ROAD ġ ZERAN NORTHFIELD 1145 RD HART ROAD BUSH GLEN ROAD STATION NORTHFIELD ALLAN PO AMELL RER ROAD ROAD HOLLISTER 111 ROAD STATION ROAD GUINDON WHIPPERWILL DIXON ROAD ROAD-++ CAMERON ROAD BINGLEY RD. ELIGH-BECKSTEAD WILBURN LANE ROAD CENTRAL ROAD CAMPEAU ROAD ALLINOTTE ROAD ROAD NORTH 15/ VALLEY NORTH LUNENBURG ROAD WEST NEVILLE ROAD - JUREOS RO 11/ EAMER ROAD SANDFIELD ANE MYERS ROAD BUNKER Z CLEARY ROAD HILL RD. PLEASANT VALLEY DRNETT BONVILLE NORTH NORTH LUNENBURG ROAD HARRISON'S ROAD EAST LUNENBURG CORNERS ISLAND ROAD MALONEY ROAD GROVES RD. GALLINGER 18 OSNABRUCK TOWN 18/ ARCHAMBAULT WHEELER ROAD CENTRE POAD DUFFY'S RAISIN RIVER LUNENBURG A-McCLAVE RD BLACK RIVER RD. 0 RD. OAFOE ROAD 50 14 VALADE ROAD ST. ANDREWS EAMON ROAD WEST 18 29 EXIT 770 ~ 29 401 PRIEUR ROAD REEK Ĕ 12 ANDERSON ROAD 35 401 LONG LOYALIST CRES. CHARLE A POSTROAD INSET 4 $\left\{ 2 \right\}$ SAULT MANNING ROAD G36 MILLE ROCHES PIDGEON ROAD ATCHISON ROAD HEADLINE ROAD EAST 12/ HEADLINE ROAD WEST 44 ð EXIT 786 BAYVIEW RD. STUART RD. **ISLAND** COLONIAL DRIVE ROSEDALE ROBIN RD. MOULINETTE ISLAND 42/ 33 INSET 2 TERRACE CAUSEWAY SUNSET DR. INSET 3 AUT SPEER POAD BARLOW WILLBRUCK DR. AULT PARKWAY EAST ISLAND SOUTH BRANCH RD. LAKESIDE DR. INSEF-1 CAUSEWAY CORNWALL CENTRE EXIT 789 5 ROAD INSET 3 ST. LAWRENCE RIVER JENKINS ROAD Ē E & CHANTINE ₹ E MOSS DR. South Stormont PRIVE McCONNELL AVE INSET 2 2 OWER LAKEVIEW PRESS HEIGHTS AICONOUN DR EQUESTRIAN INSET 1 CORNWALL CITY INSET 4 SIXSMITH 3 CEDAR VIEW DRIVE HEADLINE ROAD WEST LAFLAMME 2

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THE HONOURABLE BRUCE E. MACPHEE REGIONAL SENIOR JUSTICE EAST REGION ONTARIO COURT OF JUSTICE

> COURT HOUSE 161 ELGIN STREET. 6[™] FLOOR OTTAWA, ONTARIO K2P 2L1

L'HONORABLE BRUCE E. MACPHEE JUGE PRINCIPAL RÉGIONAL RÉGION DE L'EST COUR DE JUSTICE DE L'ONTARIO PALAIS DE JUSTICE 161, RUE ELGIN, 6' ÉTAGE OTTAWA (ONTARIO) K2P 2L1

> TELEPHONE / TÉLÉPHONE (613) 239-1520 FAX / TÉLÉCOPIEUR (613) 239-1572

March 31, 2005

Mr. Gordon Ramsay Municipal Law Enforcemetn Officer Township of South Stormont P.O. Box 340 4949 County Road # 14 Ingleside, Ontario K0C 1M0

Dear Mr. Ramsay,

Re: Set Fines - Provincial Offences Act – Part I Township of South Stormont

Enclosed herewith is a copy of an Order and a copy of the schedule of set fines for By-law No. 2005-20, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the validity of the By-law or of the short form of wording used to describe the offences.

I have forwarded the original Order and the schedule of the set fines to the Honourable Mr. Justice G. Renaud in Cornwall, together with a certified copy of the By-law.

Yours truly,

Bruce E. MacPhee Regional Senior Justice

Enclosures

TORNASS SOUTS

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PART 1 PROVINCIAL OFFENCES ACT

TOWNSHIP OF SOUTH STORMONT BY-LAW 2005-20		TITLE: All TERRAIN VEHICLES		
ITEM	COLUMN 1		COLUMN 2	COLUMN 3
	SHORT FORM WORD	INGS	PROVISION CREATING OR DEFINING OFFENCE	SET FINE (including costs}
1.	Operate an all terrain ve	chicle on unapproved ro	ad. Section I	\$100.00

NOTE: The penalty provisions for the offence indicated above is section 1V of By-Law 2005-2000, a certified copy of which has been filed and the Provincial Offences Act.

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