



Municipality of the Township of Harrington

BY-LAW CONCERNING THE CIRCULATION OF ALL OFF ROAD VEHICLES NUMBER 178-2010

FEBRUARY 17, 2010

**PROVINCE OF QUEBEC
MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON**

BY-LAW NUMBER 178-2010

**BY-LAW CONCERNING
THE CIRCULATION OF ALL OFF ROAD VEHICLES**

NOTICE OF MOTION:

JANUARY 11, 2010

COMING INTO FORCE:

MUNICIPAL COUNCIL DECREES THE FOLLOWING:



MUNICIPALITY OF TOWNSHIP OF HARRINGTON

BY-LAW CONCERNING THE CIRCULATION OF ALL OFF ROAD VEHICLES NUMBER 178-2010

TABLE OF CONTENTS

February 17, 2010

TABLE OF CONTENTS

Chapter 1: Declaratory, administrative and interpretative provisions

- Section 1: Declaratory provisions
- Section 2: Administrative provisions
- Section 3: Interpretative provisions

Chapter 2: Provisions concerning the circulation of all off road vehicles

- Section 1: Approval of trail paths
- Section 2: Circulation of all off road vehicles
- Section 3: Responsibility

Chapter 3: Final provisions

- Section 1: Final provisions

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MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON

**BY-LAW CONCERNING
THE CIRCULATION OF ALL OFF ROAD VEHICLES NUMBER 178-2010**

CHAPTER 1:

Declaratory, administrative and interpretative provisions

February 17, 2010

TABLE OF CONTENTS

Section 1: Declaratory provisions

- 1.1: By-Law title
- 1.2: Abrogation
- 1.3: Subjugated territory
- 1.4: Part by part adoption

Section 2: Administrative provisions

- 2.1: Administration and application of the By-Law
- 2.2: Designated Official
- 2.3: Capacities of the designated Official
- 2.4: Infractions, contraventions, penalties and recourse

Section 3: Interpretative provisions

- 3.1: Interpretation of the provisions
- 3.2: Terminology

Section 1: Declaratory provisions

1.1: Title of the By-Law

The present By-Law is titled "The circulation of all off road vehicles of the Municipality of the Township of Harrington" and bears the number 178-2010.

1.2: Abrogation

The present By-Law repeals any inconsistent provisions of another By-Law.

1.3: Subjugated territory

The present By-Law, of which provisions are imposed on the natural persons as well as the moral persons with public access or private access, applies to the whole of the Municipality.

1.4: Part by part adoption

The Municipal Council of the Municipality of the Township of Harrington declares by the present that it adopts the present By-Law chapter by chapter, section by section, item by item, indentation by indentation and paragraph by paragraph so that if a part of the present By-Law were to be declared null and without affect by a court, such a decision would have no effect on the other parts of the By-Law unless if the sense of the By-Law or one of its provisions finds itself altered or modified.

Section 2: Administrative provisions

2.1: Administration and application of the By-Law

The provisions of the present By-Law shall be enforced by the Sûreté du Québec and, according to the provisions of the By-Law on all off road vehicles, by trail agents and any officer or municipal employee named "designated official" by the municipal Council with all the powers and duties.

2.2: Designated Official

The designated official(s) at item 2.1 is (are) identified in the present By-Law as being the "designated official".

2.3: Powers of the designated official

The designated official is allowed to visit and examine, between 7 A.M. and 7 P.M., all moveable or immovable properties, as well as the interior or the exterior of any house, building or accessory building in order to ensure that the By-Law is being respected. All owners, tenants or occupants of these properties, houses, buildings or accessory buildings must allow the designated official access to penetrate and answer all the questions which are asked of him concerning the enforcement of this By-Law.

2.4: Infringements, offenses, penalties and recourses

All provisions decreed in the Law and the highway safety code for all off road vehicles shall apply to offenders in the provisions of this By-Law.

Section 3: Interpretation of the provisions

3.1: Interpretation of the provisions

- a) In the event of contradiction between the provisions of the zoning, subdivision, construction and administration By-Law the most restrictive provision applies;
- b) Unless the context indicates a different meaning, it is agreed upon that:
- the singular includes the plural and vice versa;
 - the use of the word "MUST" implies the absolute obligation;
 - the use of the word "CAN" preserves an optional direction;
 - the use of the word "WHOEVER" includes all physical persons or moral persons.
- c) The table of contents, the title of the chapters, the sections and the articles of the present By-Law are given to improve the text comprehension. In case of contradiction between the text and the concerned title(s) or the table of contents, the text prevails.

3.2: Terminology

Unless otherwise expressed or if the context does not indicate a different meaning, expression or term the words have the meaning and application assigned to the following definitions:

OFF ROAD VEHICLES:

The terminology is applied in the following two cases:

- A) All terrain vehicles bearing a handlebar and at least two (2) wheels which can be mounted and whose net mass weight does not exceed 600 kg;
- B) Snowmobiles whose net mass weight does not exceed 450 KG and the width including the equipment does not exceed 1.28 meters.

MUNICIPALITY:

The Municipality of the Township of Harrington.



MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON

**BY-LAW CONCERNING
THE CIRCULATION OF ALL OFF ROAD VEHICLES NUMBER 178-2010**

CHAPTER 2:

Provisions relating to the circulation of all off road vehicles

February 17, 2010

TABLE OF CONTENTS

Section 1: Approval of the trail paths

- 1.1: Deposit of the annual trail paths
- 1.2: Approval by Municipal Council of the trail path
- 1.3: Cancellation

Section 2: Circulation of all off road vehicles

- 2.1: Time period
- 2.2: Location and hours of circulation
- 2.3: Signalisation
- 2.4: Obligatory equipment

Section 3: Responsibility

- 3.1: Responsibility

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Section 1: Approval of the trail paths

1.1: Deposit of the annual trail path

An off road vehicle club responsible for off road vehicle trails must submit a plan to Municipal Council for approval of the projected trail path before June 1 of each year. Plans shall be affixed on an up-to-date graphical trail map showing the names of the owner's concerned along with lakes and rivers. The club will provide passage rights signed by the owners of the proposed trail paths.

1.2: Approval by Municipal Council of the trail path

The Municipal Council examines the trail paths submitted by an off road vehicle club and within 30 days of the deposit may, if they think necessary, consult, by any means, citizens of a sector or a piece of a road where a trail path for an off road vehicle is planned within 45 days of receipt of the trail path.

The Municipal Council may ask for a modification to the trail path for anything they judge valid.

The Municipal Council may refuse the trail path for any reason it considers valid. The Municipal Council may allow or deny any plans by means of a resolution.

If the trail path is conformed, the said projected trail path is authorized by the Municipal Council and the plan is annexed to the resolution.

1.3: Cancellation

The Municipality reserves the right at any time to terminate an approved authorisation by virtue of this By-Law in the event where harm may be caused to citizens living near authorized trails, or by excessive speed, noise or other serious inconveniences caused by drivers of off road vehicles.

Also, the permissions granted under this By-Law are conditional to the drivers of off road vehicles who use authorized trails that conform to the requirements and provisions contained in the Act of off road vehicles in accordance with the Quebec Government and the Quebec road safety code.

Section 2: The circulation of all off road vehicles

2.1: Time period

The authorisation to circulate all off road vehicles aimed by the present By-Law is valid from November 1 to April 15 of each year for snowmobiles and all year long for other off road vehicles.

2.2: Location and hours of circulation

The circulation of all off vehicles is prohibited on a public road within the meaning of road safety code with the following exception:

- A) Cross the road at the location that has a signalisation panel identifying all off road vehicles;
- B) In the case where a road sign permits, travel on the road for a maximum distance of one (1) kilometre to join a trail club, a service station or another place open to the public to make a stopover or when the right-of-way does not allow access to the roadway and there are unavoidable obstacles that prevent joining them providing that the driver complies with the road traffic rules;
- C) Travelling on a road for a maximum distance of one (1) kilometre provided that the driver is a worker and the use of the vehicle is necessary in the execution of the work he is performing and that he respects the rules of the road. An off road vehicle licensed and registered to a farm can also travel on a public road for agricultural activities.

Authorization for off road vehicles covered by the present By-Law to circulate is prohibited within one hundred (100) meters a dwelling unless the written permission of the owner, tenant (if applicable) and the municipal Council has been granted.

The circulation of all off road vehicles is prohibited between the hours of 10:00 P.M. and 7:00 A.M. throughout the territory of the Municipality.

2.3: Signalisation

Signalisation panels and their installation on trails and on the shoulder of a road is the responsibility of the off road vehicle clubs. The Clubs must ensure that that the installation of all signage be carried out before traffic is allowed.

The driver of an off road vehicle is obliged to respect all signalisation, the Law on off road vehicles and all applicable By-Laws as well as obey all orders and signals of a peace officer or a trail agent responsible for directing and monitoring traffic.

The driver of an off road vehicle is obliged to observe the signalisation and must maintain its vehicle as close as possible to the right edge of the road and must yield the passage to an off road vehicle and must give priority to other vehicles on the road.

2.4: Obligatory equipment

All off road vehicles and drivers aimed by the present By-Law must be fitted with all the proper equipment required under the Law for all off road vehicles.

Section 3: Responsibility

3.1: Responsibility

The Municipality cannot be held responsible nor respondent of accidents, incidents or fortuitous of any kind whatsoever arising from travelling on the trail authorized by this By-Law on the whole of its territory or on the outskirts of our territory.

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MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON

BY-LAW CONCERNING The circulation of all off road vehicles number 178-2010

CHAPTER 3:

Final provisions

17 February 2010

TABLE OF CONTENTS

Section 1: Coming into force

1.1: Coming into force

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Section 1: Coming into force

1.1 : Coming into force

The present By-Law comes into effect in accordance with the Law.

Mr. Keith Robson
Mayor

Mr. Robert Lacroix
General Director and
Secretary-Treasurer

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