



BY-LAW NUMBER 2021-003: ALLOWING OPERATION OF OFF-ROAD VEHICLES ON MUNICIPAL ROADS

REPEALING BY-LAW NO. 2011-046-E ALLOWING OPERATION OF OFF-ROAD VEHICLES ON CERTAIN MUNICIPAL ROADS

WHEREAS the Off-Road Vehicles Act (RLRQ v. V-1.2) sets out the rules for off-road vehicle users, among other things, by determining the traffic rules for off-road vehicles and allowing them to drive under certain conditions;

WHEREAS Under section 11 para.6 of the Off-Road Vehicles Act (RLRQ v. V-1.2) and section 626, para.14 of the Highway Safety Code, a local municipality may, by regulation, allow the movement of off-road vehicles on all or part of a road under its care, under the conditions and for the periods of time it determines;

WHEREAS the Municipal Council believes that these vehicles promote tourism and economic development;

WHEREAS it is of public interest and utility to regulate the movement of certain off-road vehicles on public roads;

WHEREAS A notice of motion of this by-law was duly given by Councillor GIROUX, #027-03-2021 at the regular meeting of the council held on March 01, 2021;

FOR THESE REASONS,

2021-04-043

IT IS PROPOSED BY COUNCILLOR SQUITTI
AND RESOLVED UNANIMOUSLY

THAT the Council of the Municipality of Alleyn & Cawood adopts the following:

ARTICLE 1. PREAMBLE
The preamble to this regulation is an integral part of it for all purposes as it is law.

ARTICLE 2. TITLE AND NUMBER
The title of this by-law is "By-law allowing operation of off-road vehicles on Municipal Roads" and bears the number 2021-003 of the bylaws of the Municipality of Alleyn & Cawood.

ARTICLE 3. OBJECT
The purpose of this by-law is to establish the rules for the movement of certain off-road vehicles on municipal roads in the municipality of Alleyn & Cawood, all in accordance with the Off-Road Vehicles Act (RLRQ v.V-1.2).

ARTICLE 4. FIELD OF APPLICATION
This by-law applies, as applicable, to any user and owner of licensed Off-road ATV vehicles that are operated in the territory of the Municipality of Alleyn & Cawood.

This regulation applies to the following off-road vehicles:

- Snowmobiles with a net mass of no more than 450 kg and whose width, including equipment, does not exceed 1.28 m.
- Motorized all-terrain vehicles with handlebars and at least three (3) wheels that can be ridden and have a net weight of no more than 600 kg.

- Auto quads, either any quad with one or more seats, a steering wheel, pedals and a protective frame, all of which are driven and whose net weight does not exceed 450 kg in the case of single-seaters and 750 kg in the case of multi-seaters.

(hereafter referred to as "authorized off-road vehicles")

ARTICLE 5.

CIRCULATION

Authorized off-road vehicles are permitted to drive on municipal roads listed in Schedule A.

The maximum speed allowed for authorized off-road vehicles on the municipal roads provided here is 30 km/h.

The driver of an authorized off-road vehicle must keep the vehicle as close as possible to the right edge of the track they are travelling on. It may deviate from this position only in the event of lane obstruction or to overtake another off-road vehicle. It must give way and give priority to pedestrians and all road vehicles other than an off-road vehicle.

ARTICLE 6.

SIGNALISATION

The driver of an authorized off-road vehicle is required to comply with the road signs installed as well as that provided for in the Off-Road Vehicle Act (RLRQ v. V-1.2) and its regulations. The driver is also required to obey the orders and signals of a peace officer when the officer is responsible for directing traffic. In case of contradiction between the signaling and the orders and signals of a peace officer, they prevail.

Since the majority of authorized off-road vehicles do not have a light signal, the driver of an authorized off-road vehicle is required to report his intentions using manual signals (left turn, right turn, and stop), continuously and over a distance sufficient to be well seen by other road users.

No one may hide, remove, move or deteriorate any signage installed by the Municipality of Alleyn & Cawood.

ARTICLE 7.

PERIOD

The traffic authorization, granted to off-road vehicles authorized at the premises covered by this by-law, is valid from January 01 to December 31 of each year.

ARTICLE 8.

TRAFFIC SCHEDULE

At authorized locations and times, the movement of authorized off-road vehicles is permitted between 7 a.m. and 11 p.m.

ARTICLE 9.

USER OBLIGATIONS

At all times on schedule A, municipal roads here, as appropriate, any user, driver or owner of an authorized off-road vehicle must comply with the obligations and rules of the *Off-Road Vehicle Act* (RLRQ v.V-1.2) and this regulation.

As specified in section 18 of the *Off-Road Vehicle Act* (RLRQ v. V-1.2), to use a public road, including a municipal road covered by this by-law, the driver of an authorized off-road vehicle must hold a license authorizing it under *the Highway Safety Code* (RLRQ V.C- 24.2).

All authorized off-road vehicles must be equipped under the *Off-Road Vehicles Act* (RLRQ v. V- 1.2).

ARTICLE 10.

PROHIBITIONS

Two-wheeled motor vehicles, known as "motorcycle-cross," "trail bike" or "dirt bike" are prohibited on municipal roads.

It is forbidden to drive in authorized off-road vehicles when the

vehicle's silencer is defective, modified or absent and the vehicle emits a level of noise that harms the tranquility of the neighborhood. This prohibition is a separate offence from section 6 of the *Off-Road Vehicles Act* (RLRQ v. V-2.1).

Any driver of authorized off-road vehicles is prohibited from entering or driving on private property without the written permission of the owner and tenant, if necessary, beforehand. A separate offence is the failure to show such authorization to a Quebec Security peace officer who requests it.

ARTICLE 11.

RESPONSIBILITY FOR ENFORCEMENT OF THE BY-LAW

The peace officers of the Sureté du Québec are responsible for enforcing this by-law with all powers and duties.

ARTICLE 12.

RESPONSIBILITY

At no time can the Municipality of Alleyn & Cawood be held responsible for accidents, incidents, damage or incidents of any kind that may occur in the context or occasion of the use of municipal roads by off-road vehicles authorized under this by-law.

ARTICLE 13.

CRIMINAL PROVISIONS AND APPEALS

All criminal provisions under the *Off-Road Vehicle Act* (RLRQ v. V-2.1) apply to persons who violate the provisions of this Regulation.

The Municipality of Alleyn & Cawood, may, notwithstanding any criminal prosecution, exercise all necessary remedies to enforce the provisions of this by-law.

The peace officers of the Sureté du Québec are authorized to issue infringement notices, for and on behalf of the Municipality of Alleyn & Cawood, for any violation of this by-law.

ARTICLE 14.

RESERVE RIGHT

The municipality reserves the right to revise the terms of this by-law at any time in the event, in particular, where harm could be caused to citizens, either by excessive speed, noise or any other inconvenience attributable to drivers and/or users of off-road vehicles.

The traffic permits contained herein are conditional on drivers and/or users of authorized off-road vehicles complying with and complying with the requirements and provisions of these Regulations, in the *Off-Road Vehicles Act* (RLRQ v. V- 2.1), in regulations enacted under the *Off-Road Vehicles Act* (RLRQ v. V-2.1) and in the *Highway Safety Code* (RLRQ v.C-24.2).

ARTICLE 15.

ABOLITION OF ANY PREVIOUS REGULATIONS

This by-law repeals and replaces By-Law 2011-046 and any other by-laws adopted by the Council regarding off-road vehicles.

ARTICLE 16.

ENTRY INTO FORCE

In accordance with Section 626, paragraph 2 of the *Highway Safety Code* (RLRQ v.C-24.2), a copy of the By-law will be sent to the Minister within 15 days of its adoption.

This regulation will come into effect upon receipt of an acknowledgement from the Minister. Notwithstanding this correspondence, the Ministry of Transport reserves at all times the right to issue a notice of disavowal.

Notice of motion: March 01, 2021

Adoption of regulation: April 06, 2021

Effective: April 06, 2021

APPENDIX A

LIST OF MUNICIPAL ROADS WHERE OFF-ROAD VEHICLE TRAFFIC IS PERMITTED IN THE MUNICIPALITY OF ALLEYN & CAWOOD

Balm of Gilead
Cawood
Cawood Est
Cawood Ouest
Copeland-Evans
Du Boisé
Du Passant
Firobin
Harrison
Langlois
Lauzon
Monette
Neil West Way
Henry Heeney Memorial Park
Petrin
Pins
Presley Domaine
Sicard
Tanner
Trout (Lac Rouge)