

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW No. 2002 - 31
THE SPEED CONTROL BY-LAW

**Being a BY-LAW To prescribe a rate of speed for Motor Vehicles
different from the Rate of Speed set out in Section 128 (1)
of the Highway Traffic Act, R.S.O. c.H-8**

WHEREAS Section 128 of the *Highway Traffic Act*, R.S.O. 1990, c.H-8, provides that the Council of a Municipality and the Trustees of a Police Village may, for motor vehicles driven on a highway or portion of a highway under its jurisdiction, by By-law prescribe a rate of speed different from the rate of speed set out in Section 128 (1);

AND WHEREAS Section 128 of the *Highway Traffic Act*, R.S.O. 1990, c.H-8, provides that the Council of a Municipality and the Trustees of a Police Village may also by By-law prescribe a rate of speed different from the rate of speed set out in Section 128 (1) for the following:

- a) highways or public roads through parks;
- b) school zones;
- c) bridges

AND WHEREAS it is deemed expedient that such a By-law be passed;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

SECTION 1 SHORT TITLE

This By-law may be cited as "The Speed Control By-law".

SECTION 2 DEFINITIONS

- 2.1 **"Authorized Sign"** means a sign approved by the Ministry of Transport.
- 2.2 **"Corporation"** means the Corporation of the Municipality of Magnetawan.
- 2.3 **"Council"** shall mean the Council of the Corporation of Magnetawan.
- 2.4 **"Highway"** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles, and includes the total width of the road allowance.
- 2.5 **"Motor Vehicle"** includes an automobile, motorcycle and any other vehicles propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self propelled instrument of husbandry or road building machine within the meaning of the *Highway Traffic Act*.
- 2.6 **"Municipal By-law Enforcement Officer"** means the officer or employee of the Corporation of the Municipality of Magnetawan charged with the duty of enforcing this By-law.
- 2.7 **"Municipality"** means the Municipality of Magnetawan.
- 2.8 **"Police Officer"** means a Police Officer as defined under the Ontario Police Act.

SECTION 3 APPLICATIONS AND GENERAL REQUIREMENTS

- 3.1 This By-law applies to all highways under the jurisdiction of the Municipality of Magnetawan.
- 3.2 The Schedules referred to in the By-law shall form part of this By-law and each entry in a column of such a Schedule shall be read in conjunction with the entries across and not otherwise.
- 3.3 Where any expression of time occurs or where any hour or other period of time is stated in the By-law or on a sign erected pursuant to this By-law, the time referred to shall be Standard Time, except in periods when Daylight Saving Time is in effect, in which periods it shall be Daylight Saving Time.
- 3.4 The provisions of this By-law shall not apply to ambulances, police and fire vehicles, while engaged in the performance of their duties.
- 3.5 No person shall place, maintain or display upon or in view of any highway, any sign, signal, marking or device which purports to be or is an imitation of, or resembles an authorized sign or traffic control signal, or which conceals from view or interferes with the effectiveness of an authorized sign or traffic control device.
- 3.6 The Roads Superintendent is authorized to place or erect and to maintain such authorized signs and traffic control signals as are required to give effect to the provisions of the safety or convenience of the public.

SECTION 4 RATE OF SPEED WITHIN THE MUNICIPALITY OF MAGNETAWAN

- 4.1 Except where indicated within the Schedules of this By-law, the rate of speed within the Municipality of Magnetawan shall be as set out in Section 128 (1) of the Highway Traffic Act.
- 4.2 The Council of the Municipality of Magnetawan may prescribe a different rate of speed upon a highway or portion of a highway by adding the rate of speed and location to Schedules of this By-law and such rate of speed shall come into force when the authorized signs are posted by the Road Superintendent.

SECTION 5 PENALTY

- 5.1 Every person who contravenes any provision or part of the By-law, upon conviction, is guilty of an offence and is liable to a fine as provided for pursuant to *The Provincial Offences Act*, for each offence, exclusive of costs.
- 5.2 Every person who contravenes any provision or part of this By-law, upon conviction, is guilty of an offence and shall be subject to the penalties provided in *The Highway Traffic Act*, Section 128 (14) and all such penalties shall be recoverable under *The Provincial Offences Act*.

SECTION 6 BY-LAW MAINTENANCE

Additions and deletions to the By-law Schedules may be made when deemed necessary by Council, and such changes shall be made by a Resolution in Council.

SECTION 7 REPEAL

Any and all By-laws inconsistent with the provisions of this By-law are hereby repealed.

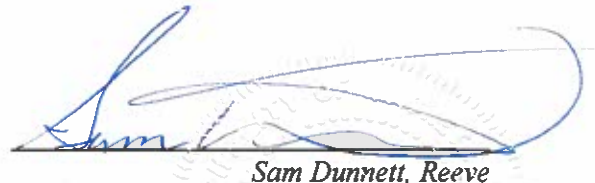
SECTION 8 SEVERABILITY

If a Court of competent jurisdiction should declare any Section or part of any section of the By-law to be invalid, such Section or part of such Section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared the remainder of the By-law shall be valid and shall remain in force.

SECTION 9 EFFECTIVE DATE

This By-law shall come into full force and effect upon the final passing thereof.

**Passed in open Council as read a First, Second and Third time,
this 23rd day of October, 2002**



Sam Dunnett, Reeve



Brenda J. Fraser
Brenda J. Fraser Clerk/Administrator



SCHEDULE "A"
TO BY-LAW 2002-31

	ROAD OR PORTION OF ROAD	MAXIMUM RATE OF SPEED	BY-LAW NO.
1	Nipissing Road, from Highway 124 to the Magnetawan/Lount Township Boundary	40 Kilometres per hour	2003-31
2	Entire Length of Ahmic Lake Road (from Nipissing Road South ending at the intersection of John/George Street in Ahmic Harbour)	60 Kilometres per hour	2023-10