

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /18

Being a by-law to regulate rates of speed on County highways

WHEREAS Section 27(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25., as amended, authorizes municipalities to pass by-laws in respect of a highway under its jurisdiction;

WHEREAS Section 128 subsection (2) of the *Highway Traffic Act*, R.S.O. 1990., c.H.8., as amended, authorizes a municipal council to prescribe, by by-law, a rate of speed for motor vehicles driven on a highway or portion of a highway under its jurisdiction;

AND WHEREAS the Council of The Corporation of Haldimand County deems it necessary and expedient to regulate different rates of speed of motor vehicles on certain highways in Haldimand County,

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

1. SHORT TITLE

- 1.1 This by-law may be cited as the “Rate of Speed By-law” .

2. DEFINITIONS

The following terms are defined for the purpose of this by-law:

- 2.1 “*Appropriate Authorized Sign*” shall mean a sign that has been authorized by the Council of the Corporation of Haldimand County.
- 2.2 “*Highway*” includes a common and public *highway*, street, road, lane, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of *vehicles* including the area between the lateral property lines thereof and sidewalks, boulevards and curbs. It may contain and includes a *roadway* and shoulder.
- 2.3 “*Highway Traffic Act*” means the *Highway Traffic Act*, R.S.O. 1990, c. H.8., as amended.
- 2.4 “*Motor vehicle*” includes an automobile, truck, motorcycle, motor assisted bicycle, and any other *vehicle* propelled or driven otherwise than by muscular power.
- 2.5 “*Roadway*” means the part of a *highway* that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a *highway* includes two or more separate *roadways*, the term *roadway* refers to any one *roadway* separately and not to all *roadways* collectively.

- 2.6 “*Traffic Control Device*” means any sign, signal or other *roadway*, curb or sidewalk marking, or any other device erected or placed under the authority of this by-law for the purpose of regulating, warning or guiding traffic.
- 2.7 “*Vehicle*” includes a *motor vehicle*, trailer, traction engine, farm tractor, road building machine and any *vehicle* drawn, propelled or driven by any kind of power, including muscular power, but does not include the cars of electric or steam railways running only upon rails.

3. TRAFFIC REGULATIONS

SPECIFIC SPEED LIMITS

- 3.1 The rates of speed for a *vehicle* shown in Schedule “A” of this by-law are hereby respectively prescribed as the speed limits for those *highways* and parts of *highways* listed in that schedule.
- 3.2 Where signs are displayed on the highway or portion of a highway set out in Column 1 of Schedule “A” to this by-law between the limits set out in Columns 2 and 3 of Schedule “A” to this by-law, the maximum rate of speed in kilometers per hour shall be that set out in Column 4 of Schedule “A” to this by-law.
- 3.3 That the General Manager of Public Works or their designate has the authority to designate a construction zone. A section of *roadway* designated as a construction zone shall have a lower rate of speed.

4. TRAFFIC CONTROL DEVICES

COMPLY WITH SIGNS AND DEVICES

- 4.1 Save as may be otherwise more specifically provided by this by-law or the *Highway Traffic Act*, it shall be an offence against the provisions of this by-law for any person to fail to comply with the directions of any official traffic sign or *traffic control device* regulating traffic on a *highway*.

5. ENFORCEMENT AND PENALTIES

- 5.1 That every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a penalty as provided for in the *Highway Traffic Act*.

6. PARTIAL INVALIDITY

- 6.1 Should any section, clause or provision of this by-law or the application thereof be held by a court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this by-law and the application thereof to circumstances other than to those held to be invalid or unenforceable shall not be affected thereby and each section, clause and provision of this by-law shall be separately valid and enforceable to the fullest extent permitted by law.

7. REPEAL

- 7.1 **THAT** any previous by-laws pertaining to rates of speed, including By-laws 109/01, 496/04, 524/04, 711/06, 718/06, 735/06, 747/06, 1284/12, 1450/14, 1467/14, 1612/15, 1613/15, 1630/16, 1663/16, 1713/16, 1732/16, 1745/16, 1746/16, 1828/17, are hereby repealed.
- 7.2 **THAT** this by-law shall take precedence over any by-law with which it is inconsistent.
- 7.3 **AND THAT** this by-law shall come into force and take effect when *Appropriate Authorized Sign* applicable to this provision has been installed and is on display.

READ a first and second time this 11th day of June, 2018.

READ a third time and finally passed this 11th day of June, 2018.

MAYOR

DEPUTY CLERK