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Summary

Table of Contents
Regulations and other acts
Municipal Affairs
Index

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Table of Contents

Page

Regulations and other acts

1222-2004	Off-highway vehicles — Snowmobiles (Mod.) — All-terrain vehicles (Mod.)	3627A
-----------	---	-------

Municipal Affairs

1212-2004	Establishment of the rules for the 2005 general elections in certain municipalities	3635A
-----------	---	-------

Regulations and other acts

Gouvernement du Québec

O.C. 1222-2004, 21 December 2004

An Act respecting off-highway vehicles
(R.S.Q., c. V-1.2)

Off-highway vehicles

— Snowmobiles and all-terrain vehicles — Amendments

Regulation respecting off-highway vehicles and
amending the Regulation respecting snowmobiles and
the Regulation respecting all-terrain vehicles

WHEREAS the Act respecting off-highway vehicles
(R.S.Q., c. V-1.2) was assented to on 23 December 1996;

WHEREAS section 46 of the Act sets out the regulatory
powers of the Government;

WHEREAS, pursuant to section 87 of the Act, the
Regulation respecting snowmobiles (R.R.Q., 1981,
c. C-24, r.21) and the Regulation respecting all-terrain
vehicles made by Order in Council 58-88 dated 13 January
1988 are deemed to be regulations made under the Act to
the extent that they are consistent therewith;

WHEREAS the Act to amend the Act respecting off-
highway vehicles (2004, c. 27) came into force on
16 December 2004;

WHEREAS, pursuant to section 2 of that Act, the Regu-
lations Act (R.S.Q., c. R-18.1) does not apply to a regu-
lation made by the Government under section 46 of the
Act respecting off-highway vehicles before 1 January
2005, and such a regulation may come into force on the
day it is made, and it must be published in the *Gazette
officielle du Québec*;

WHEREAS it is expedient to make a regulation respecting
off-highway vehicles and as a consequential measure to
revoke certain provisions of the Regulation respecting
snowmobiles and the Regulation respecting all-terrain
vehicles;

IT IS ORDERED, therefore, on the recommendation of the
Minister of Transport and the Minister for Transport:

THAT the Regulation respecting off-highway vehicles
and amending the Regulation respecting snowmobiles
and the Regulation respecting all-terrain vehicles, attached
to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting off-highway vehicles and amending the Regulation respecting snowmobiles and the Regulation respecting all-terrain vehicles

An Act respecting off-highway vehicles
(R.S.Q., c. V-1.2, ss. 46 and 87; 2004, c. 27, s. 2)

DIVISION 1

OBLIGATIONS OF THE OPERATOR

1. No person may operate an off-highway vehicle at a
rate of speed greater than 30 km/h in a place referred to
in paragraph 1 of section 12 of the Act respecting off-
highway vehicles (R.S.Q., c. V-1.2) or on a trail in
places within 30 metres of a dwelling, a facility operated
by a healthcare institution or an area reserved for cul-
tural, educational, recreational or sports activities.

No person may operate an off-highway vehicle between
the hours of 10:00 p.m. and 6:00 a.m. on a trail referred
to in paragraph 4 of section 12 of the Act.

The first paragraph applies even where there are no
signs or signals to indicate the rate of speed prescribed.

The second paragraph does not apply where a municipal
by-law adopted pursuant to paragraph 2 of section 48 of
the Act determines a different period during which the
operation of off-highway vehicles is prohibited.

2. Every operator of an off-highway vehicle must
stop the vehicle before crossing a public highway, a
private road open to public vehicular traffic or a railway,
and proceed only after ascertaining that this may be
done without risk of collision. To cross a public highway,
the operator must stop the vehicle at the near side of the
roadway.

3. No person may operate an off-highway vehicle in reverse without ascertaining that this may be done without obstructing traffic and without risk of collision.

4. The operator of an off-highway vehicle carrying a passenger under 14 years of age must ensure at all times that the passenger complies with section 23 of the Act.

5. No operator of an off-highway vehicle may cross or drive on a public highway unless the operator holds the licence required under the third paragraph of section 18 of the Act.

6. The operator of an off-highway vehicle involved in an accident must remain at or immediately return to the scene of the accident and render the necessary assistance to any person who has sustained injury or damage.

7. If a person has sustained bodily injury in an accident, the operator of an off-highway vehicle involved in the accident must call on a peace officer so that the peace officer may draw up a report and submit a copy to the Société de l'assurance automobile du Québec within eight days of the accident.

8. The operator of an off-highway vehicle involved in an accident must inform the Société without delay if the vehicle has been completely destroyed.

9. For the purposes of sections 6 to 8, an accident is an event during which injury or damage is caused by a moving off-highway vehicle.

DIVISION 2

OBLIGATIONS OF THE PASSENGER

10. The passenger of an off-highway vehicle must ride behind the operator and remain seated facing forward with both feet on the foot-rests at all times while the vehicle is in motion.

11. No passenger may stand in or on a trailer or sleigh being towed by a moving off-highway vehicle.

DIVISION 3

DRIVING ON PUBLIC HIGHWAYS

12. An off-highway vehicle may be operated on a public highway, off the roadway, shoulder, sidewalk and ditch area, provided that

(1) the public highway is the only thoroughfare that allows travel in an urbanization perimeter within the meaning of the Act respecting land use planning and

development (R.S.Q., c. A-19.1) or that allows a natural physical obstruction or land intended for purposes inconsistent with off-highway vehicular traffic to be avoided or a fuelling station to be reached;

(2) the public highway links two sections of a trail or connects a trail to a fuelling station;

(3) a written agreement between the maintenance authority of the public highway and the trail operator sets out the conditions for the layout and maintenance of the trail and surrounding area and for the operation of off-highway vehicles so as to ensure the safety of all users of the public highway and to prevent or limit damage to the trail, the surrounding area or anything thereon or therein; and

(4) the operator complies with the conditions for the operation of off-highway vehicles agreed on under subparagraph 3.

Subparagraph 1 of the first paragraph does not apply to the part of the right-of-way of a public highway that has not yet been constructed or laid out.

DIVISION 4

TRAIL SECURITY OFFICERS

13. To be a trail security officer, a person must

(1) be of full age;

(2) not have been found guilty of or pleaded guilty to a criminal offence in connection with the operation of a road vehicle or an off-highway vehicle in the last five years unless a pardon has been granted; and

(3) have taken the oath in Schedule 1 before a person authorized to administer oaths.

14. Trail security officers must perform their duties only on the trails operated by the off-highway vehicle club by which they were recruited, unless they have written authorization from another club for the trails operated by that club, or on trails operated by member clubs that are part of the same association as the club by which they were recruited.

DIVISION 5

OFF-HIGHWAY CLUB AND SIGNING

15. All signs erected by an off-highway vehicle club on a trail it operates must be maintained in good condition by the club during the period of use of the trail.

16. An off-highway vehicle club must erect a red, amber and green traffic signal at all trail crossings and at all intersections referred to in section 2 where there is no mandatory stop sign.

17. Every off-highway vehicle club must erect the following signs on its trails :

(1) the regulatory signs illustrated in Schedule 2, comprising the following :

(a) a P-10 mandatory stop sign, in particular for the purposes of section 2 at a crossing of trails laid out for off-highway vehicle traffic or for another sport, unless there is a written agreement between the operators of the trails that ensures safety at the crossing ;

(b) a P-70 speed limit sign ;

(c) a P-70-P tab sign installed below a P-70 residential area sign, for the purposes of section 1 ;

(d) a P-80-3 sign indicating two-way traffic ; and

(e) a P-90-D sign indicating an obstruction to avoid ;

(2) the warning signs illustrated in Schedule 3, comprising the following :

(a) a D-10-1 sign indicating a stop sign ahead ;

(b) a D-50-1 sign indicating a traffic signal ahead ;

(c) a D-90-1 sign indicating the beginning of a divided trail ;

(d) a D-90-2 sign indicating the end of a divided trail ;

(e) D-110-1-D and D-110-1-G signs indicating a 90° curve ; and

(f) D-290-D and D-290-G signs indicating an obstruction or other hazard ; and

(3) the roadwork signs illustrated in Schedule 4, comprising the following :

(a) a T-50-1 sign indicating roadwork ;

(b) a T-50-P tab sign indicating the extent of the roadwork ;

(c) T-80-9 and T-80-10 signs indicating that the trail is closed ;

(d) T-90-1, T-90-2-D and T-90-2-G signs indicating a detour ; and

(e) T-90-3-D and T-90-3-G signs indicating a detour ahead.

18. The signs referred to in section 17 and every other sign erected by a club must be the following colours and bear the following markings and numerals :

(1) regulatory signs must have a black border 6 millimetres in width set in 4 millimetres from the edge of the sign and bear a black symbol or black letters on a white background, except for the mandatory stop sign, which must bear white letters 127 millimetres in height and have a white border 12 millimetres in width on a red background ;

(2) warning signs, with the exception of hazard markers, must have a black border 6 millimetres in width set in 4 millimetres from the edge of the sign and bear a black symbol on a yellow background, except for the D-10-1 sign, which is red ; and

(3) roadwork signs must have a black border 6 millimetres in width set in 4 millimetres from the edge of the sign and bear a black symbol on an orange background.

19. The sign shapes must be as follows :

(1) regulatory signs must be rectangular, with the exception of the mandatory stop sign which must be octagonal ;

(2) danger and roadwork signs must be diamond-shaped or square, with the exception of hazard markers which must be rectangular.

20. The sign dimensions must be as follows :

(1) rectangular signs : 300 mm x 375 mm ;

(2) square and diamond-shaped signs : 300 mm x 300 mm.

Despite subparagraph 1 of the first paragraph, the dimensions of D-290-D and D-290-G signs may not be less than 150 mm x 450 mm.

Despite subparagraph 2 of the first paragraph, the dimensions of P-10, D-10 and D-50-1 signs may not be less than 450 mm x 450 mm.

The dimensions of signs and the symbols and legend displayed on them may be greater than the dimensions prescribed in the first paragraph provided that the dimensions remain in proportion to each other.

21. All signs must be covered with retroreflective sheeting, with the exception of the black items.

22. The signs must be visible at all times and be placed on the right side of the trail, facing approaching traffic, not less than 500 millimetres or more than two metres from the area reserved for traffic.

23. The distance between the bottom edge of the sign or tab sign and the level of the trail may not be less than one metre or more than two metres, unless that distance must be increased to ensure the sign remains visible above snow accumulations.

24. Regulatory signs must be erected at the places where the requirement applies. Mandatory stop signs (P-10), however, must be placed as close as possible to the beginning of an intersection or road or railway crossing, at a distance of not more than two metres.

Warning signs, with the exception of D-290-D and D-290-G signs, must be erected between 30 and 100 metres ahead of the obstruction or hazard.

25. No illustration, publicity or tourist advertisement may be placed on a sign or sign post, or be installed in such a way as to obstruct a sign or signal.

26. A trail whose lateral boundary lines are not marked by a fence or in another way and every trail which crosses a non-wooded area over a distance of more than 150 metres must be staked by the operator with red markers in the case of a snowmobile trail and with blue markers in the case of an all-terrain vehicle trail. The markers must be placed on both sides of the trail at intervals not exceeding 90 metres.

Each marker must be not less than 25 millimetres in diameter and not less than 1.5 metres in height; the height of a marker must be increased as required to ensure it remains visible above snow accumulations.

Each marker must have a strip or plate of a resistant material 25 millimetres in width by 75 millimetres in height securely fixed to its upper edge. The surface of the strip or plate must be white or yellow and be covered with retroreflective sheeting.

DIVISION 6

OFFENCES

27. Every operator of an off-highway vehicle who contravenes any of the provisions of sections 1 to 8 and 12 is liable to the fine prescribed in section 53 of the Act.

28. Every person who contravenes any of the provisions of sections 10 and 11 is liable to the fine prescribed in section 53 of the Act.

DIVISION 7

FINAL

29. The Regulation respecting snowmobiles (R.R.Q., 1981, c. C-24, r.21) is amended by revoking sections 1 to 5, 22, 23, 35 to 44, 46 to 53, 56 to 63, 65 to 67, 73 to 77, 82 to 84, 92, 93 and 105 to 119 and Schedule A.

30. The Regulation respecting all-terrain vehicles, made by Order in Council 58-88 dated 13 January 1988, is amended by revoking sections 1, 2, 5 to 7 and 10 to 12.

31. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE 1

(s. 13)

OATH OF THE TRAIL SECURITY OFFICER

“I, (last name, first name), declare under oath that I will perform all duties and exercise all powers assigned to a trail security officer faithfully, impartially and honestly, to the best of my ability and knowledge.

I also declare under oath that I will neither reveal nor disclose, unless expressly authorized, any confidential information that may come to my knowledge in the performance of my duties.”

SCHEDULE 2

(s. 17, par. 1)

REGULATORY SIGNS

P-10
Mandatory stop
450 x 450



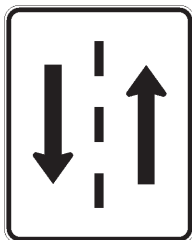
P-10
Mandatory stop
450 x 450



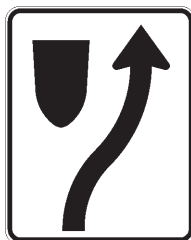
P-70
Speed limit
300 x 375



P-70-P
Residential area
300 x 150



P-80-3
Two-way
traffic
300 x 375



P-90-D
Obstruction to
avoid
300 x 375

SCHEDULE 3

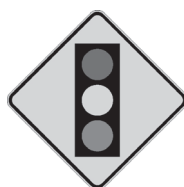
(s. 17, par. 2)

WARNING SIGNS

D-10-1
Stop sign
ahead
450 x 450



D-10-1
Stop sign
ahead
450 x 450



D-50-1
Traffic signals
ahead
450 x 450



D-110-1-D
Curve
300 x 300



D-110-1-G
Curve
300 x 300



D-90-1
Divided
trail
300 x 300



D-90-2
Divided
trail
300 x 300



D-290-D
Hazard
marker
150 x 450



D-290-G
Hazard
marker
150 x 450

SCHEDULE 4

(s. 17, par. 3)

ROADWORK SIGNS

T-50-1
Roadwork
300 x 300



T-50-P
Extent of
roadwork tab sign
300 x 150



T-80-9
Snowmobile trail
closed
300 x 300



T-80-10
All-terrain vehicle
trail closed
300 x 300



T-90-1
Detour straight
300 x 300



T-90-2-D
Detour right
300 x 300



T-90-2-G
Detour left
300 x 300



T-90-3-D
Detour right
ahead
300 x 300



T-90-3-G
Detour left
ahead
300 x 300

Municipal Affairs

Gouvernement du Québec

O.C. 1212-2004, 21 December 2004

An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities
(2003, c. 14)

An Act respecting elections and referendums in municipalities
(R.S.Q., c. E-2.2)

Establishment of the rules for the 2005 general election in certain municipalities

WHEREAS, following the referendum polls that were held on 20 June 2004 in certain cities contemplated by the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14), an affirmative answer was given to the referendum question in several sectors concerned;

WHEREAS, under section 48 of the Act, in the case of a city whose territory includes, in whole or in part, at least one sector concerned where the answer given to the referendum question is deemed to be affirmative, a first general election must be held, in anticipation of the reorganization of the city, in every local municipality that is to continue to exist with a different territory or that is to be constituted;

WHEREAS, under section 49 of the Act, the Government may fix the polling date for the advance general election; otherwise, the poll shall be held on 6 November 2005;

WHEREAS, under section 50 of the Act, the Government may, with regard to the advance general election, establish rules on any matter governed by the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) or on any matter related to an election that is the subject of provisions in the constituting Act or the charter of the city or the other existing municipality concerned;

WHEREAS it is expedient to establish such rules for the purposes of that election;

WHEREAS, in accordance with the second paragraph of section 50 of the Act, the chief electoral officer has been consulted on the rules;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Sports and Recreation:

THAT the Act respecting elections and referendums in municipalities, except sections 5 to 8, 10 and 12 to 41.3, apply to the organization and holding of the 2005 general election in the municipalities listed in the Schedule to this Order in Council, with the necessary modifications which include the following:

(1) unless the context indicates otherwise, “municipality” means, as the case may be:

(a) a central municipality, listed in the Schedule, whose territory is to correspond to the territory that will exist after the territory of a reconstituted municipality has been withdrawn; or

(b) a reconstituted municipality whose territory is to correspond to the territory of a former municipality listed in the Schedule;

(2) for the purpose of applying section 55.1 to a reconstituted municipality, the words “the municipality” are replaced by the words “the returning officer”;

(3) the persons referred to in paragraphs 1 to 4 of section 63 who are ineligible for office as members of the council of a central municipality are also ineligible for office as members of the council of a reconstituted municipality;

(4) despite the first paragraph of section 67, a person who holds office as a member of the council of the city is not ineligible for office as a member of the council of a reconstituted municipality if the person resides, according to section 61, in the territory of the reconstituted municipality;

(5) despite the first paragraph of section 70.1, the returning officer may, outside the election period, grant any contract involving an expenditure of \$25,000 or more after a call for tenders, by way of written invitation, to at least two contractors or two suppliers, as the case may be;

(6) for the purpose of applying the first paragraph of section 87 to a reconstituted municipality, the words “of the municipality” are replaced by the words “of the returning officer”;

(7) for the purpose of applying section 105 to a reconstituted municipality, the words “in the office of the municipality” are replaced by the words “in his or her office”;

(8) for the purpose of applying section 261 to a reconstituted municipality, the prohibition to which the person responsible for access to documents is subject is a prohibition to which the returning officer, the mandatory or the transition committee is subject until the reorganization of the city;

(9) for the purpose of applying the first paragraph of section 277 to a reconstituted municipality, the words “the council” are replaced by the words “the transition committee or the mandatory”;

(10) the persons referred to in section 284 and the association representing their interests who and which may not engage in partisan work connected with an election to an office on the council of a central municipality may also not engage in such work in connection with an election to an office on the council of a reconstituted municipality;

(11) for the purpose of applying section 285.2 to a reconstituted municipality, election posters and billboards may also be placed on the city’s property situated in the territory of the reconstituted municipality;

(12) despite section 314.1, the term of the current members of a borough council and of the city council runs until the reorganization of the city;

(13) for the purpose of applying Chapter XIII of Title I, the duties of the treasurer within the meaning of section 364 must be performed, in the case of a reconstituted municipality, by the returning officer. After polling and until the reorganization of the city, those duties are to be performed by the mandatory or the chair of the transition committee, or by any person designated by the mandatory or chair for that purpose;

(14) for the purpose of applying section 375 to a reconstituted municipality, the delegation may be made to the returning officer outside the election period;

(15) the second sentence of the second paragraph of section 380 is replaced by the following: “For the purposes of the designation of the delegate, the division into electoral districts may be taken into account upon its coming into force.”;

(16) for the purpose of applying the first paragraph of section 394 to a reconstituted municipality, the words “in the office of the municipality” are replaced by the words “in his or her office”;

(17) for the purpose of applying section 396 to Ville de Montréal, the offices of councillor referred to therein exclude the offices of borough councillor;

(18) for the purpose of applying the third paragraph of section 397 to a reconstituted municipality of 20,000 inhabitants or more whose division into electoral districts has not been approved by the date of coming into force of this Order in Council, the number of signatures that must accompany the application is 30;

(19) for the purpose of applying section 659.2 to a reconstituted municipality, the words “A municipality” are replaced by the words “The returning officer, the transition committee or the mandatory”;

THAT, unless he or she applies for a withdrawal of authorization, the leader of a party that was authorized by the chief electoral officer, prior to the coming into force of this Order in Council, to carry on activities in the territory of a city must, within 30 days of the coming into force of this Order in Council, inform the chief electoral officer of his or her choice as to the territory in which the party intends to carry on its activities;

THAT the electoral district division proposal made by a city under Order in Council 1109-2004 dated 2 December 2004 must be approved by the Minister of Municipal Affairs, Sports and Recreation, after consultation with the chief electoral officer, in order to come into force. In case of refusal, the division is the division established by the Government;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

SCHEDULE

(s. 1)

CENTRAL MUNICIPALITIES

- Ville de Cookshire-Eaton
- Ville de La Tuque
- Municipalité des Îles-de-la-Madeleine
- Ville de Longueuil
- Ville de Mont-Laurier
- Ville de Montréal
- Ville de Mont-Tremblant
- Ville de Québec
- Ville de Rivière-Rouge
- Ville de Sainte-Agathe-des-Monts
- Ville de Sainte-Marguerite-Estérel

**RECONSTITUTED MUNICIPALITIES
(FORMER MUNICIPALITIES)**

- Ville de Baie-d'Urfé
- Ville de Beaconsfield
- Ville de Boucherville
- Ville de Brossard
- Village de Cap-aux-Meules
- Cité de Côte-Saint-Luc
- Ville de Dollard-des-Ormeaux
- Cité de Dorval
- Ville d'Estérel
- Municipalité de Grosse-Île
- Ville de Hampstead
- Municipalité d'Ivry-sur-le-Lac
- Ville de Kirkland
- Municipalité de La Bostonnais
- Municipalité de Lac-Édouard
- Municipalité de Lac-Tremblant-Nord
- Municipalité de La Macaza
- Ville de L'Ancienne-Lorette
- Ville de L'Île-Dorval
- Ville de Montréal-Est
- Ville de Montréal-Ouest
- Ville de Mont-Royal
- Canton de Newport
- Ville de Pointe-Claire
- Municipalité de Saint-Aimé-du-Lac-des-Îles
- Municipalité de Saint-Augustin-de-Desmaures
- Ville de Saint-Bruno-de-Montarville
- Ville de Sainte-Anne-de-Bellevue
- Ville de Saint-Lambert
- Ville de Senneville
- Ville de Westmount

Index

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

	Page	Comments
Consultation of citizens with respect to the territorial reorganization of certain municipalities, An Act respecting the... — Establishment of the rules for the 2005 general elections in certain municipalities (2003, c. 14)	3635A	
Elections and referendums in municipalities, An Act respecting... — Establishment of the rules for the 2005 general elections in certain municipalities (R.S.Q., c. E-2.2)	3635A	
Establishment of the rules for the 2005 general elections in certain municipalities (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	3635A	
Establishment of the rules for the 2005 general elections in certain municipalities (An Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities, 2003, c. 14)	3635A	
Off-highway vehicles — Snowmobiles — All-terrain vehicles (An Act respecting off-highway vehicles, R.S.Q., c. V-1.2)	3627A	M
Off-highway vehicles, An Act respecting... — Off-highway vehicles — Snowmobiles — All-terrain vehicles (R.S.Q., c. V-1.2)	3627A	M

