

## BY-LAW NUMBER 2015-53

### THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

**BEING** a By-Law to permit and regulate off-road vehicles on designated municipal highways within the Township of Rideau Lakes

**WHEREAS** section 9 of the *Municipal Act, 2001*, SO 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that Act or any other Act;

**AND WHEREAS** section 191.8 of the *Highway Traffic Act*, RSO 1990, c. H.8 and Ontario Regulation 316/03 entitled "Operation of Off-Road Vehicles on Highways", and passed under the *Highway Traffic Act*, provide that the Council of a municipality may pass By-Laws permitting the use of off-road vehicles on certain highways under its jurisdiction, and may regulate certain characteristics of use on those highways;

**AND WHEREAS** the Council of The Corporation of the Township of Rideau Lakes deems it desirable to enact a By-Law permitting and regulating the operation of off-road vehicles on designated highways within the municipality during specified hours;

**NOW THEREFORE** the Council of The Corporation of the Township of Rideau Lakes hereby enacts as follows:

#### **PART 1 – INTERPRETATION**

##### **1.1 Definitions**

In this By-Law:

1.1.1 "highway" shall have the same meaning as the *Municipal Act*.

1.1.2 "unmaintained highway" shall mean all highways where regular maintenance activity is not provided by the municipality or its designated agents for the purpose of regular motor-vehicle travel in accordance with established Minimum Maintenance Standards and/or the policies and procedures of the municipality. This may be either seasonally or year-round.

1.1.3 "unopened highway" shall mean a highway where the Township has not established a roadway through dedication and assumption.

1.1.4 "ORV" shall mean an off-road vehicle as defined in the *Off-Road Vehicles Act*.

1.1.5 Where not elsewhere specified in this By-Law, all definitions shall be the same as those in the *Municipal Act* and *Highway Traffic Act*, *Off Road Vehicles Act* and their regulations, as applicable.

##### **1.2 Provincial Highways and County Roads**

The highways under the jurisdiction of the Province of Ontario, the United Counties of Leeds and Grenville or another municipality are not a part of this By-Law, and the use of those highways by ORVs shall be governed by the applicable Acts or By-Laws.

## **PART 2 – REGULATIONS**

### **2.1 ORVs Permitted on Township Roads**

A person may operate an ORV on all highways under the jurisdiction of the Corporation of the Township of Rideau Lakes in accordance with the *Highway Traffic Act* and Ontario Regulation 316/03 as passed under the *Highway Traffic Act*, as applicable.

### **2.2 Limitations on Time of Use**

Notwithstanding Section 2.1, no person shall operate an ORV on highways between 11 p.m. of one day and 5 a.m. of the next day.

### **2.3 Limitations on Certain Roads**

Notwithstanding Section 2.1, no person shall operate an ORV on highways as set out in Schedule A – “Prohibited Highways”.

### **2.4 Exceptions to Use of Prohibited Highways**

- (1) Notwithstanding Section 2.3, a person may operate an ORV on highways as listed in Schedule A – “Prohibited Highways” where:
  - (a) The purpose of travel is from a permitted highway to a location only accessible from a highway listed in Schedule A – “Prohibited Highways”; or
  - (b) The purpose of travel is from a location only accessible from a highway listed in Schedule A – “Prohibited Highways” to a permitted highway; and
- (2) In addition to section 2.4(1), the ORV must travel along the shortest route between the permitted highway and the location on the highway listed in Schedule A – “Prohibited Highways”, or the location on the highway listed in Schedule A – “Prohibited Highways” and the permitted highway.

### **2.5 Shoulders, Sidewalks and Designated Pathways**

For the purpose of interpreting and applying Section 24(2) of Ontario Regulation 316/03, a highway shall be deemed to have no shoulder or an obstructed shoulder if:

- (a) the roadway is unpaved or has a wearing layer or layers of asphalt emulsion; or
- (b) the portion of the highway that is not the roadway consists of a drainage ditch, a private entrance from a highway, designated parking, a sidewalk, or a defined pedestrian or cyclist pathway.

### **2.6 Construction Zones**

No person shall drive an ORV on any part of a highway that is designated as a construction zone under section 128(8) of the *Highway Traffic Act* or any other part of a highway where construction work or highway maintenance is being carried out.

### **2.7 Private Roads**

For greater certainty this By-Law does not regulate the use of ORVs on private roads or private right-of-ways.

### **2.8 Unopened and Unmaintained Highways Prohibited**

- (1) Notwithstanding Section 2.1 and Section 2.4, a person may not operate an ORV on an unopened highway or unmaintained highway.
- (2) For further clarification, where a municipal facility, including a park, recreation facility, beach, boat launch, parking lot, building, harbour or other defined yard or area of service is located on a highway, that highway shall be deemed to be an unopened highway and/or unmaintained highway for the purpose of this By-Law.

### **2.9 Recreational Trails on Unopened Highways or Unmaintained Highways**

Notwithstanding section 2.8, a legally established group may seek permission from Council to operate ORVs on unopened highways or unmaintained highways under the jurisdiction of the

municipality as a part of a recreational trail system. Where permission is granted by Council, a person who is a member of the permitted group may operate an ORV on the approved unopened highway or unmaintained highway provided that all conditions imposed by Council and all applicable provisions of this By-Law are complied with.

### **PART 3 – ENFORCEMENT**

#### **3.1 Penalties**

Any person who contravenes any section of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

### **PART 4 – ADMINISTRATION**

#### **4.1 Validity**

If any section, clause or provision of this By-Law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-Law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-Law shall remain in force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

#### **4.2 Amending Schedules by Resolution**

That Schedule "A" to this By-Law may be changed from time to time, as deemed desirable by Resolution of Council.

#### **4.3 Force and Effect**

This By-Law shall come into force and effect on the date of passing.

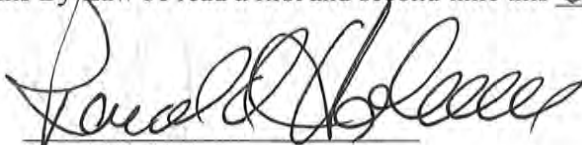
#### **4.4 Expiration**

This By-Law shall expire one year from the date of passing. Council shall seek public input and feedback on this By-Law ninety days prior to the one-year expiration date.

#### **4.5 Other By-Laws Repealed**

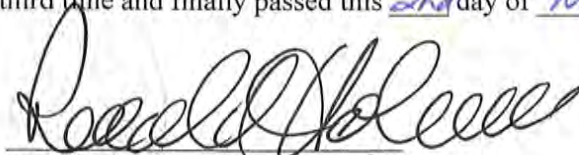
This By-Law repeals By-Law 2007-72.

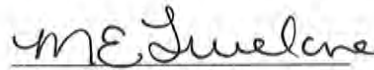
That this By-Law be read a first and second time this 5<sup>th</sup> day of October, 2015.

  
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Ronald E. Holman  
Mayor

  
\_\_\_\_\_  
Mary Ellen Truelove  
Clerk

Read a third time and finally passed this 2nd day of November, 2015.

  
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Ronald E. Holman  
Mayor

  
\_\_\_\_\_  
Mary Ellen Truelove  
Clerk

Schedule A - "Prohibited Highways"

Bastard and South Burgess Ward

Colborne St.
Perth St.
Water St. (Portland)
Campbell St.
Main St.
St Marys St.
Queen St.
Polk Cr.
Station Rd.
Horace Dr.
Court St.
Lower Beverley Lake Park Rd.
Water St. (Delta)
William St.
Recreation Dr.
Matthew St.
Mill Creek Dr.
Railroad St.
John St.
Foundry St.

Newboro Ward

All highways within the Ward
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North Crosby Ward

St. Andrews Dr.
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South Crosby Ward

Kingston St.
Perth St.
Harry Seeley St.
Halladay St.
Church St.
Pineview Dr.
Maple Av.
Cedar Cr.
Stewart St.
Judd St.
Queen St.
Park St.
Mary St.
James St.

South Elmsley Ward

Blacksmith Rd.
Autumn Dr.
Windsor Cres.
Tudor Cr.
Sunset Dr.
Elmsley Ln.
Fairlane Dr.
Ford Cres.
Cherry Ln.
Cedar Ln.
Maple Ridge Ln.
Forest Dr.
Willow Ln.
Gallipeau Dr.
Todd Crt.
Diane Dr.
Joseph Wy.
Southpoint Dr.
Davis Ln.
Basswood Cr.
Birch Ln.
Oak St.
Cachet Dr.