

# THE CORPORATION OF THE TOWN OF GREATER NAPANEE

## BY-LAW NO. 07 - 49

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### Being a By-law to Regulate the Operation of All-terrain Vehicles on Municipal Highways Within the Town of Greater Napanee

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**WHEREAS** pursuant to Section 191.8 (3) of the *Highway Traffic Act*, R.S.O. 1990, c.8, as amended, the Council of a municipality may pass by-laws permitting the operation and regulating the rate of speed of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;

**AND WHEREAS** pursuant to Section 191.8 (4) of the *Highway Traffic Act*, R.S.O. 1990, c.8, as amended, a by-law passed under subsection 191.8 (3) of the *Highway Traffic Act* may permit the operation of off-road vehicles on any highway or on any part or parts of a highway only during specified months or hours;

**AND WHEREAS** Ontario Regulation 316/03 applies to the operation of off-road vehicles on highways;

**WHEREAS** Council deems it expedient to pass a by-law to regulate the operation of off-road vehicles on highways under the jurisdiction of the municipality;

**NOW THEREFORE** the Council of the Corporation of the Town of Greater Napanee enacts as follows:

#### **I        DEFINITIONS**

In this By-Law,

1.        "All-Terrain Vehicle" means an Off-Road Vehicle that,
  - (a)        has four wheels, the tires all of which are in contact with the ground,
  - (b)        has steering handlebars,
  - (c)        has a seat that is designed to be straddled by the driver, and
  - (d)        is designed to carry a driver only and no passengers.
2.        "Highway" includes a common and public highway, street, avenue, parkway, and driveway, any part of which is maintained by and under the jurisdiction of the municipality and which is used by the general public for the passage of vehicles and includes the area between the lateral lines thereof. Specifically excluded are any highways within the water and sewer service areas of Greater Napanee Utilities within the municipality and any highways under the jurisdiction of the County of Lennox & Addington or the Province of Ontario [County Roads #1, 2, 3, 5, 8, 9, 10, 11, 12, 18, 21,

22, 25 & 41 and Provincial Highway #33].

3. “Low Pressure Bearing Tire” means wide, balloon type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70 kpa (10 psi).
4. “Municipality” means the Corporation of the Town of Greater Napanee.
5. “Off-road Vehicle” means a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel, (a) on not more than three wheels, or (b) on more than three wheels and being of a prescribed class of vehicle.

## **II GENERAL**

1. Off-Road Vehicles shall not be permitted to operate on highways within the Town of Greater Napanee except as provided in this by-law or under the *Highway Traffic Act* and regulations made thereunder.
2. All-Terrain Vehicles shall be permitted upon highways within the Town of Greater Napanee in accordance with this by-law, Ontario Regulation 316/03, the *Highway Traffic Act* and the *Off-Road Vehicles Act*, as amended.

## **III REGULATION OF ALL-TERRAIN VEHICLES ON HIGHWAYS**

1. An All-Terrain Vehicle operated on a highway must meet the equipment requirements of Sections 7 to 15 of Ontario Regulation 316/03 and be operated in accordance with Sections 16 to 24 of Ontario Regulation 316/03.
2. An All-Terrain Vehicle shall not be driven on a highway at a rate of speed greater than:
  - (a) 20 kilometres per hour if the speed limit established under the *Highway Traffic Act* or by municipal by-law for that part of the highway is not greater than 60 kilometres per hour, or
  - (b) 40 kilometres per hour if the speed limit established under the *Highway Traffic Act* or by municipal by-law is greater than 60 kilometres per hour.
3. An All-Terrain Vehicle shall not be operated on any highways between the hours of 10:00 pm and 6:00 am of the next day.

#### **IV 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*.

#### **V EFFECTIVE**

This by-law shall come into force and take effect on the day of its passing.

Read a first and second time and finally passed this 26<sup>th</sup> day of November, 2007.



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Gordon Schermerhorn, Mayor



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Rebecca Murphy, Clerk