

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2019-077**

### **A By-law to Repeal and Replace By-law 2009-116 as amended, Being a By-law to Regulate the Operation of ATVs and ORVs on Municipal Highways in the City of Kawartha Lakes**

#### **Recitals**

1. The Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.1, subsection (1) states that no person shall drive an off-road vehicle on a highway except in accordance with the regulations and any applicable municipal by-laws. 1999, c. 12, Sched. R, s. 17
2. The Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8, subsection (3) provides that a Council of a municipality may pass by-laws permitting the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality, or on any parts of such highway.
3. Ontario Regulation 316/03, Part 1, includes definitions for both **All Terrain Vehicle (ATV)** and **Multi-Purpose Off-Highway Utility Vehicle (UTV)**.
4. Council deems it advisable to allow ATVs on certain roads as previously approved by Resolution CR2009-650 and By-law 2009-116, as amended.
5. Council adopted Resolution CR2019-225 on March 26, 2019 directing amendments to By-law 2009-116, as amended, to temporarily permit the use of Side by Side Off Road Vehicles on designated City Highways to allow for implementation of a pilot project.
6. This by-law repeals and replaces By-law 2009-116, as amended, to implement Council's decision, align definitions with applicable legislation and address any minor amendments required as identified by staff.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-077.**

#### **Section 1.00: Definitions and Interpretation**

**1.01 Definitions:** In this by-law,

**“All Terrain Vehicle (ATV)”** as defined in Section 1 of the Ontario Regulation 316/03 as an off-road vehicle (ORV) that,

- a) has four wheels, the tires of which are all 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,
  - i. a driver only and no passengers, or
  - ii. a driver and only one passenger, if the vehicle,
    - a. has one passenger seat that is designed to be straddled by the passenger while sitting face forward behind the driver; and
    - b. is equipped with foot rests for the passenger that are separate from the foot rests for the driver.

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**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

**“City Clerk”** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

**“Council” or “City Council”** means the municipal council for the City;

**“Director of Public Works”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

**“Helmet”** includes the requirements for a helmet for the purpose of section 19 of the Off-Road Vehicles Act, R. S. O. 1990, c.O.4 and are those set out for motorcycles in Regulation 610 of the Revised Regulations of Ontario, 1990 made under the Highway Traffic Act. O. Reg. 317/03, s. 3, as amended.

**“Highway(s)”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge viaduct or trestle within the city of Kawartha Lakes, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof or as defined in the most recent revision of the Highway Traffic Act, R.S.O. 1990, Chapter H.8;

**“Multi-Purpose Off-Highway Utility Vehicle” (UTV)** as defined in Section 1 of the Ontario Regulation 316/03 means an off-road vehicle (ORV) that,

- a) has four or more wheels, the tires of which are all in contact with the ground,
- b) has a steering wheel for steering control,
- c) has seats that are not designed to be straddled, and
- d) has a minimum cargo capacity of 159 kilograms;

**“Municipal Law Enforcement Officer”** means a person appointed by Council under the Police Services Act to enforce the By-laws of the City;

**“Off-Road Vehicle” (ORV)** is as defined within the Off-Road Vehicles Act, R.S.O. 1990, as amended;

**“Police Officer”** means a chief of police or other police officer in a police service which is responsible for enforcing the provisions of this By-law;

**“Recreational Off-Highway Vehicle” (ROV)** as defined in Section 1 of the Ontario Regulation 316/03 as amended below means an off-road vehicle that,

- a) has four or more wheels, the tires of which are all in contact with the ground,
- b) has a steering wheel for steering control,
- c) has seats that are not designed to be straddled,

- d) has an engine displacement equal to or less than 1,000 cubic centimeters, and
- e) does not exceed 1625 mm (64 inches) in width.

“**VRTC**” means the Victoria Rail Trail Corridor.

**1.02 Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

**1.03 Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

**1.04 Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

**Section 2.00: Operation of ORVs**

- 2.01 No person shall operate an ORV on highways unless otherwise permitted in accordance with the Off Road Vehicles Act, R.S.O 1990, c.O.4, as amended and where defined in Section 3.00 herein.
- 2.02 That an ORV shall not be operated on highways unless it meets the equipment requirements of Section 7-15 of Ontario Regulation 316/03 and it is operated in accordance with Sections 16-24 of the Regulation.
- 2.03 That an ORV shall not be permitted to travel on a municipal highway if the exhaust system has been altered over the manufacturer’s recommended decibel level. Operation and use of ORV must be in accordance with City Noise By-law, as amended.
- 2.04 No person shall operate an ORV on any highways between 9:00 p.m. and 7:00 a.m.
- 2.05 No person shall operate an ORV over and upon any municipally owned or municipally maintained land used as parks, playgrounds or for utility purposes.
- 2.06 No person shall travel on an ORV on any highway in a direction opposite to that of traffic.
- 2.07 No person shall operate an ORV on a highway without wearing a helmet.
- 2.08 No person shall operate an ORV on a highway without a valid driver’s license issued under section 32 of the Highway Traffic Act R.S.O. 1990, Chapter H.8. and insurance.

- 2.09 No person shall travel on an ORV on any part of the highway other than the shoulder of the highway. The exception to this provision is if the shoulder is unsafe the ORV may be operated on the highway.

### **Section 3.00: Location and ORV Type**

- 3.01 North of Kawartha Lakes Road 8: ATV's and ROV's shall be permitted on highways, which are described in Schedule "A" – ATV Routes, attached to this by-law.
- 3.02 North of Kawartha Lakes Road 8: In addition to Section 3.01, ATV's and ROV's shall be permitted:
- i. on all highways north of Kawartha Lakes Road 8 and Kawartha Lakes Road 121 as it connects Kawartha Lakes Road 8 in Fenelon Falls, excluding all roads within the settlement area of Fenelon Falls except those included in Section 3.03 and 3.04
  - ii. on Kawartha Lakes Road 36 from the intersection of Kawartha Lakes Road 8 north to Main Street to the Kawartha Lakes boundary in Bobcaygeon, and save and except Highway 35, for the express purpose of travelling from the place of residence to the nearest designated ATV and/or ROV route.
- 3.03 Fenelon Falls: North to South Road Access Route VRTC to Garnett Graham Park, east on Francis Street to Colborne Street, south on Colborne Street to Lindsay Street, east on Elliot Street and south on Murray Street to VRTC.
- 3.04 Fenelon Falls: South to North Road Access Route VRTC, north on Murray Street, west on Elliot Street to Lindsay Street, north on Lindsay Street to Colborne Street, west on Francis Street to Garnett Graham Park to VRTC.
- 3.05 Lindsay Municipal Law Enforcement Access Route: for the purpose of connecting the North and South parts of the VRTC Municipal Law Enforcement Officers/Police Officers shall be permitted to ride ATVs, or ROVs on the following highways (streets) in the Town of Lindsay.
- Wellington Street – between Lindsay St. North and Victoria Ave. N.;
  - William St. N. – between Wellington St. and Orchard Park Rd.;
  - Queen St. – between Lindsay St. N. and Caroline St.;
  - King St. – between Lindsay St. N. and St. David St.;
  - St. David St.;
  - Logie St.; and
  - Lindsay St. North and South.

### **Section 4.00: Rate of Speed**

- 4.01 That the ATV or UTV shall not be driven at a rate of speed greater than:
- a. 20 km/hr 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 50 km/hr; or

- b. 50km/hr if the speed limit established under the Highway Traffic Act or by municipal by-law for that part of the Highway is greater than 80 km/hr.

## **Section 5.00: Exemptions**

- 5.01 This by-law does not apply to police, fire, ambulance, search and rescue or other emergency vehicles while engaged in an emergency situation.

## **Section 6.00: Enforcement, Offence and Penalties**

- 6.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.
- 6.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to maximum penalty as set out in section 61 of the Provincial Offences Act R.S.O 1990, c.P.33 as amended or any successor thereof and to any other applicable penalty.

## **Section 7.00: Administration and Effective Date**

- 7.01 **Administration of the By-law:** The Director of Public Works is responsible for the administration of this by-law.
- 7.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

## **Section 8.00: Repeals**

- 8.01 **Repeal:** By-law 2009-116 and amending by By-Law 2015-167 are repealed.

By-law read a first, second and third time, and finally passed, this 23 day of April, 2019.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk



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**Schedule “A” To By-Law 2019-077**

**Designated Atv Routes**

<b>Road Name</b>	<b>From</b>	<b>To</b>	<b>Type of Road</b>
Black River Rd.	Dalton/Digby Line	Chisholm Trail (Road #6)	Open Road Allowance
Chisholm Trail (Road #6)	Black River Rd.	Road #45	Open Road Allowance
Road #45 (Taylor's Rd.)	Road #6	Hill's Road	Open Road Allowance
Hill's Rd.	Taylor's Rd.	Wolf Run Lane	Part Open Road Allowance – Part unopened
Wolf Run Lane	Hill's Rd.	Lake Dalrymple Rd	Unopened Road Allowance
Lake Dalrymple Rd.	Wolf Run Lane	Alvar Rd.	Open Road Allowance
Alvar Rd.	Lake Dalrymple Rd.	Wylie Rd.	Open Road Allowance
Alvar Rd.	Wylie Rd.	Victoria Rd.	Open Road Allowance
Victoria Rd. (Road #35)	Alvar Rd.	South to North Mountain Rd.	Open Road Allowance
North Mountain Rd.	Victoria Rd. (Road #35)	CKL Road #41	Open Road Allowance
CKL Road #41	North Mountain Rd.	North East to Bexley Laxton Township Line	Open Road Allowance
Bexley Laxton Township Line	CKL Road #41	West to Deer Lake Rd.	Open Road Allowance
Deer Lake Rd.	Bexley Laxton Township Line	North-East to Monck Rd. (Road #45)	Open Road Allowance
Monck Rd. (Road #45)	Deer Lake Rd.	East through the Hamlet of Norland to Buller Rd.	Open Road Allowance
Wylie Rd.	Alvar Rd.	Kirkfield Rd. (Road #6)	Open Road Allowance
Kirkfield Rd. (Road #6)	Wylie Road	Lift Lock Road	Open Road Allowance
Lift Lock Rd.	Kirkfield Rd. (Road #6)	Rockview Rd.	Part Open Road Allowance – Part unopened
Rockview Rd.	Lift Lock Rd.	Portage Rd. (Road #48)	Unopened Road Allowance
Rockview Rd.	Portage Rd. (Road #48)	Eldon Station Rd.	Open Road Allowance
Eldon Station Rd.	Rockview Rd.	Sandringham Rd.	Open Road Allowance
Sandringham Rd.	Eldon Station Rd.	Lorneville Rd.	Open Road Allowance
Lorneville Rd.	Sandringham Rd.	Windemere Rd.	Open Road Allowance
Windemere Rd.	Lorneville Rd.	Woodville Rd. (Road #9)	Open Road Allowance
Woodville Rd. (Road #9)	Windemere Rd.	The West Limit of the Village of Woodville	Open Road Allowance
Glenarm Rd. (Road #8)	Sandringham Rd.	East to Road #36 (Village of Bobcaygeon)	Open Road Allowance
Northline Rd,	Glenarm Rd. (Road #8)	North to Somerville 7 <sup>th</sup> Conc. Rd.	Open Road Allowance

<b>Road Name</b>	<b>From</b>	<b>To</b>	<b>Type of Road</b>
Somerville 7 <sup>th</sup> Conc. Rd.	Northline Rd.	West to Baseline Rd. (Road #42)	Open Road Allowance
Baseline Rd. (Road #42)	Somerville 7 <sup>th</sup> Conc. Rd.	Sticky Lane	
Somerville 11 <sup>th</sup> Conc. Rd.	Sticky Lane	East to Woodcock Line	Unopened Road Allowance
Woodcock Line	Somerville 11 <sup>th</sup> Conc. Rd.	North to Monck Rd. (Road #45)	Open Road Allowance
Monck Rd. (Road #45)	Woodcock Line	West to Buller Rd.	Open Road Allowance
Buller Rd.	Monck Rd. (Road #45)	North to Boundary Rd. With Lutterworth Twp.	Open Road Allowance
Boundary Rd. (with Lutteworth Twp.)	#380 Boundary Rd.	West to Road #121	Open Road Allowance
Road #121	Boundary Rd.	South to the Hamlet of Kinmount	Open Road Allowance
Road #121	South Limits of the Village of Kinmount	South to Somerville 11 <sup>th</sup> Conc. Rd.	Open Road Allowance
Somerville 11 <sup>th</sup> Conc. Rd.	Road #121	West to Pinery Rd.	Open Road Allowance
Pinery Rd.	Somerville 11 <sup>th</sup> Conc. Rd.	South West to Burnt River Rd.	Open Road Allowance
Burnt River Rd. (Road #44)	Pinery Rd.	South to Somerville 6 <sup>th</sup> Conc. Rd.	Open Road Allowance
Somerville 6 <sup>th</sup> Conc. Rd.	Burnt River Rd. (Road #44)	West to Northline Rd.	Open Road Allowance
Somerville 3 <sup>rd</sup> Conc. Rd.	Brook Rd.	East to Road #49	Part Open Road Allowance – Part unopened.