

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2009- 116

A BY-LAW TO REGULATE THE OPERATION OF ALL-TERRAIN VEHICLES ON
MUNICIPAL HIGHWAYS IN THE CITY OF KAWARTHA LAKES

Recitals

1. 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.
2. Council deems it advisable to allow ATVs on certain roads as approved by Resolution #CR2009-650.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2009-116.

Section 1.00: Definitions and Interpretation

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

“All-Terrain Vehicles (ATVs)” as defined in Section 1 of the Ontario Regulation 316/03 as an off-road vehicle:

- 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 a driver only and no passengers

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes.

“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 Director of Public Works of the City or 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.

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge viaduct or trestle, 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; (“route”)

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

“Police Officer” means a person designated by Council in accordance with subsection 142(4) of the *Municipal Act, 2001* to enforce the provision of this By-law;

“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: Location

2.01 North of Kawartha Lakes Road 8

That ATV's shall be permitted on highways (streets) as defined in the Highway Traffic Act, R.S.O. 1990, Chapter H.8, which are described in Schedule “A” – ATV Routes, attached to this by-law.

2.02 North of Kawartha Lakes Road 8

That in addition to Section 2.01, that ATV's shall be permitted on all highways (streets) as defined in the Highway Traffic Act, R.S.O. 1990, Chapter H.8, north of Kawartha Lakes Road 8, 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 2.03 and 2.04, 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 route.

2.03 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.

2.04 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.

Section 3.00: Rate of Speed

- 3.01 That the ATV 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 50 km/hr.

Section 4.00: Operation of ATVs

- 4.01 That an ATV 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.
- 4.02 That an ATV 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 ATV's must be in accordance with By-law 2005-025 (commonly known as the Noise By-law).
- 4.03 No person shall operate an ATV on any highways between 9:00 p.m. and 7:00 a.m.

- 4.04 No person shall operate an ATV over and upon any municipally owned or municipally maintained land used as parks, playgrounds or for utility purposes.
- 4.05 No person shall travel on an ATV on any highway in a direction opposite to that of traffic.
- 4.06 No person shall operate an ATV on a highway without wearing a helmet.
- 4.07 No person shall operate an ATV 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.
- 4.08 No person shall travel on an ATV 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 ATV may be operated on the highway.

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| Section 5.00: Exemptions |
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- 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.

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| Section 6.00: Enforcements |
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- 6.01 That any person who contravenes any of the provisions of this by-law is guilty of an offence and on Conviction, where a fine for the contravention is not otherwise provided under the Highway Traffic Act, is liable to a fine under the Provincial Offences Act.
- 6.02 This by-law may be enforced by every municipal law enforcement officer or police officer.

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| Section 7.00: Administration and Effective Date |
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- 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.

By-law read a first and second time this 2nd day of June, 2009.

By-law read a third time, and finally passed, this 9th day of June, 2009.

Mayor

Clerk

SCHEDULE "A" TO BY-LAW 2009-116

DESIGNATED ATV ROUTES

| Road Name | From | To | Type of Road |
|-----------------------------|-----------------------------|--------------------------------------------------|------------------------------------------|
| 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 th Conc. Rd. | Open Road Allowance |

| Road Name | From | To | Type of Road |
|---------------------------------------|-----------------------------------------|------------------------------------------------|-------------------------------------------|
| Somerville 7 th Conc. Rd. | Northline Rd. | West to Baseline Rd. (Road #42) | Open Road Allowance |
| Baseline Rd. (Road #42) | Somerville 7 th Conc. Rd. | Sticky Lane | |
| Somerville 11 th Conc. Rd. | Sticky Lane | East to Woodcock Line | Unopened Road Allowance |
| Woodcock Line | Somerville 11 th 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 th Conc. Rd. | Open Road Allowance |
| Somerville 11 th Conc. Rd. | Road #121 | West to Pinery Rd. | Open Road Allowance |
| Pinery Rd. | Somerville 11 th Conc. Rd. | South West to Burnt River Rd. | Open Road Allowance |
| Burnt River Rd. (Road #44) | Pinery Rd. | South to Somerville 6 th Conc. Rd. | Open Road Allowance |
| Somerville 6 th Conc. Rd. | Burnt River Rd. (Road #44) | West to Northline Rd. | Open Road Allowance |
| Somerville 3 rd Conc. Rd. | Brook Rd. | East to Road #49 | Part Open Road Allowance – Part unopened. |