

## Corporation Of The City Of Quinte West

### By-Law Number 15-114

#### Being A By-Law To Regulate The Operation Of All-Terrain Vehicles On Municipal Highways Within The City Of Quinte West.

**Whereas** pursuant to Section 191.8(3) of the Highway Traffic Act, R.S.O., 1990, Chapter H8, as amended, the Council of a municipality may pass by-laws:

1. permitting the operation of off-road vehicles with low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality, or any part or parts of such highway;
2. prescribing a lower rate of speed for All-Terrain Vehicles by regulation on any highway within the municipality that is under its jurisdiction, or on any part or parts of such highway including prescribing different rates of speed for different highways or parts of highways;

#### Now Therefore The Council Of The Corporation Of The City Of Quinte West Hereby Enacts As Follows:

##### I. Title

This By-law shall be entitled the “ATV By-law 2015”.

##### II. Definitions

“**All-Terrain Vehicle (ATV)**” means an off-road vehicle as defined in O. Reg. 316/03, as amended by O.Reg 135/15, under the *Highway Traffic Act* entitled “Operation of Off Road Vehicles on Highways”; and for the purposes of this by-law, All-Terrain Vehicle shall also include Multipurpose Off-Highway Utility Vehicle and Recreational Off-Highway Vehicle as defined in O.Reg 316/03, as amended by O.Reg 135/15, under the *Highway Traffic Act* entitled “Operation of Off-Road Vehicles on Highways”.

“**Highway**” includes a common and public highway, street, avenue, parkway, driveway, any part of which is intended for use or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

**Multi-Purpose Off-Highway Utility Vehicle** means an off-road vehicle as defined in O.Reg 316/03, as amended by O.Reg 135/15, under the *Highway Traffic Act* entitled “Operation of Off-Road Vehicles on Highways”.

“**Off-Road Vehicle**” means an off-road vehicle within the meaning of the *Highway Traffic Act*, Ontario Regulation 316/03 – Operation of Off Road Vehicles on Highways.

**Recreational Off-Highway Vehicle** means an off-road vehicle as defined in O.Reg 316/03, as amended by O.Reg 135/15, under the *Highway Traffic Act* entitled “Operation of Off-Road Vehicles on Highways”.

##### III. Regulation Of All-Terrain Vehicles On Highways

- 1) No person shall operate an All-Terrain Vehicle on a highway under municipal jurisdiction unless it meets the equipment requirements of Sections 7 to 15 of O. Reg. 316/03, as amended by O.Reg 135/15 and it is operated in accordance with Sections 16 to 24 of O. Reg. 316/03, as amended by O.Reg 135/15.
- 2) No person shall operate an All-Terrain Vehicle at a rate of speed greater than:

- i) 20 kilometers 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 50 kilometers per hour, or
- ii) 50 kilometers per hour, 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 kilometers per hour.

#### **IV. General**

1. Operation of ATV's shall be subject to the provisions of this by-law and in accordance with Ontario Regulation 316/03, as amended by O.Reg 135/15, of the *Highway Traffic Act* and the *Off Road Vehicles Act*, as amended.
2. Operation of ATV's shall be excluded on the following highways in the City of Quinte West:
  - a) All City of Quinte West highways within the boundaries of the east side of County Road 40 (Wooler Road) from the Bay of Quinte north to south side of Telephone Road easterly to Trenton-Frankford Road (formally Hwy 33) and north to Highway #401 and easterly to the west side of St. Hilaire Road; southerly to the south side of Meyers Creek Road, easterly to west side of Whites Road and southerly on the west side of Whites Road to Bay of Quinte;
  - b) Highway #2 (County Road #2) and Old Highway #2;
  - c) Wallbridge-Loyalist Road from Provincial Highway 401 south to Old Highway # 2; and
  - d) Hamilton Road

as shown on Schedule 'A' appended hereto.
3. Schedule "A" appended hereto shall be deemed to be a part of this by-law to the same extent and effect as if incorporated herein.
4. No person shall operate an ATV on highways within the City of Quinte West between the hours of 11:00 p.m. and 7:00 am.

#### **V. Penalties**

Any person who contravenes any section of this By-law is guilty of an offence and upon conviction is liable to such fines and penalties as are provided for in the Provincial Offences Act, R.S.O. 1990, c.P-33, as amended

#### **VI. Validity**

If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby and is hereby declared to be the intention of Council that each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.


#### **VII. Repeals**

By-law 11-81 is hereby repealed in its entirety.

**VIII. Effect And Force**

This By-law shall come into force and take effect upon the final passing thereof.

**Read A First, Second And A Third Time And Finally Passed This 21st Day Of September 2015.**

  
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Jim Harrison, Mayor

  
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Kevin Heath, City Clerk



**Schedule A**  
**By-law 15-114**

