

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2009-

**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-_____.

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

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 Engineering and 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;

"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")

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 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" attached to this by-law.

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 ATVs 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 municipal owned or municipal 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 licence 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.

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: Enforcements

- 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 police officer.

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.

By-law read a first, second and third time, and finally passed, this ___ day of _____,
2009.

Mayor

Clerk

SCHEDULE "A" TO BY-LAW 2009-

PROPOSED 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.