

The Corporation of the Township of Elizabethtown-Kitley

By-law Number 22-69

A By-Law to Permit and Regulate Off-Road Vehicles on Designated Municipal Highways Within the Township of Elizabethtown-Kitley

Whereas, Section 9 of the *Municipal Act, 2001*, as amended, provides that a municipality has the capacity, rights and privileges of a natural person for the purpose of exercising its authority under that Act, or any other Act;

And Whereas Section 191.8 of the *Highway Traffic Act* and Ontario Regulation 316/03 entitled "Operation of Off-Road Vehicles on Highways"; provides that the Council of a municipality may pass by-laws permitting the use of off-road vehicles on certain highways under its jurisdiction, and may regulate certain characteristics of use on those highways;

And Whereas, the Council of the Corporation of the Township of Elizabethtown-Kitley deems it appropriate to pass a by-law to regulate, govern and limit the operation of Off-Road/All Terrain Vehicles on municipal roads within the Township of Elizabethtown-Kitley;

Now Therefore, the Council of the Corporation of the Township of Elizabethtown-Kitley enacts as follows:

1. Definitions:

In this By-law:

- 1.1. For the purpose of this By-law, the term "All-Terrain Vehicle (ATV)" will be referred to and includes; all-terrain vehicles, multi-purpose off highway utility vehicle, off road vehicle and recreational off highway vehicles, and shall all have the same meaning as that defined in the *Highway Traffic Act* and Ontario Regulation 316/03.
- 1.2. "Highway" includes a common and open 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.
- 1.3. "Unmaintained Highway" shall mean all highways where regular maintenance activity is not provided by the municipality or its designated agents for the purpose of regular motor vehicle travel in accordance with established Minimum Maintenance Standards and/or the policies and procedures of the municipality.
- 1.4. "Unopened Highway" shall mean a highway where the Township has not established a roadway through dedication and assumption or by by-law.
- 1.5. "ORV" shall mean an off-road vehicle as defined in the *Off-Road Vehicles Act*.
- 1.6. Where not elsewhere specified in this By-law, all definitions shall be the same as those in the *Municipal Act*, the *Highway Traffic Act*, the *Off-Road Vehicle Act* and their applicable regulations, as applicable.

2. Regulation of Off-Road Vehicles on Highways

- 2.1. The operation of ATVs shall be permitted upon the highways under the jurisdiction of the Township of Elizabethtown-Kitley in accordance with the provisions of this by-law and in accordance with Ontario regulation 316/03 of the *Highway Traffic Act* and the *Off Roads Vehicles Act*, unless otherwise listed in Schedule "A".
- 2.2. All off road vehicles shall not be operated on highways unless it meets the equipment requirements of Sections 7 to 15 of O.Reg.316/03.
- 2.3. An off-road vehicle shall not be driven at a rate of speed greater than:
 - 2.3.1. 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 50 kilometres per hour;

2.3.2. 50 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 greater than 50 kilometres per hour.

2.4. There shall be a curfew in effect seven (7) days a week from one half (1/2) hour before sunset to one half (1/2) hour after sunrise.

2.5. For greater clarity, this by-law does not regulate the use of ORVs on private roads or private right-of-ways.

2.6. No person shall drive an ORV on any part of a highway that is designated as a construction zone under section 128(8) of the *Highway Traffic Act* or any other part of a highway where construction work or highway maintenance is being carried out.

2.7. Permits for any proposed culvert works/crossings over any waterways and on/in proximity of wetlands and any proposed fill/lot grading changes in regulated areas under the conservation authority's jurisdiction may be required under Ont. Reg. 174/06 with the Rideau Valley Conservation Authority and Ont. Reg. 148/06 with Cataraqui Region Conservation Authority.

2.8. A person may operate an ORV on all highways set out in Schedule A attached hereto in accordance with the *Highway Traffic Act* and Ontario Regulation 316/03.

2.9. This by-law in no way provides permission for ATV trails to cross privately held property. It will be the responsibility of the user/club to obtain written permission for the use of private property.

2.10. No person shall drive an ORV within municipal parks.

3. Enforcement

3.1. 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*.

3.2. For clarity, enforcement ORV's use on roadways is enforced by the Ontario Provincial Police (OPP) under the *Highway Traffic Act* and its regulations.

4. Administration

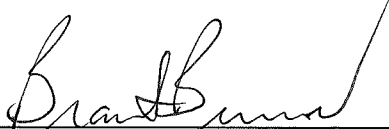
4.1. If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provision of this By-law shall remain in force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

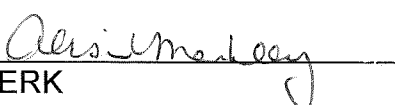
4.2. Schedule A to this By-law may be changed from time to time, as deemed desirable by Council, by resolutions.

4.3. This By-law shall come into force and effect on the date of passing.

Read a First and Second time this 26th day of September, 2022.

Read a Third time and finally Passed this 11 day of October, 2022.


MAYOR


CLERK

By-law No. 22-69:
To Permit and Regulate
Off-Road Vehicles on
Designated Municipal
Highways

Township of
Elizabethtown-Kitley

Schedule 'A'

All-terrain Vehicles (ATVs) shall not be permitted to access highways within and under the jurisdiction of the Township of Elizabethtown-Kitley listed below, except for municipal or emergency service owned vehicles and Council approved events. The authority shall not extend to highways under the jurisdiction of the United Counties of Leeds and Grenville or the King's Highways.

Notwithstanding the above, the ATVs shall generally not be permitted on local municipal roads within the boundaries and confine of the villages, hamlets and built-up settlement areas within the Township of Elizabethtown-Kitley. This includes all roadways south of County Road 2 and the boundary roadway of Oxford Avenue

Specific Road	From	To
Oxford Avenue	County Road 2	End of Oxford Avenue