

**THE CORPORATION OF THE TOWN OF GREATER NAPANEE**

**BY-LAW NO. 2022-0062**

**Being a By-law to Regulate the Operation of Off-Road Vehicles on Municipal Highways within the Town of Greater Napanee**

**WHEREAS** pursuant to Section 8 of the *Municipal Act, S.O. 2001, c. 25*, as amended (hereinafter referred to as the “Municipal Act”) provides that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

**AND WHEREAS** pursuant to Section 9 of the Municipal Act provides that a municipality has jurisdiction over all highways over which it had jurisdiction on December 31, 2002;

**AND WHEREAS** pursuant to Section 191.8 (3) of the *Highway Traffic Act, R.S.O 1990, c.8*, as amended, the Council of a municipality may pass by-laws permitting the operation and regulating the rate of speed of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;

**AND WHEREAS** pursuant to Section 191.8 (4) of the *Highway Traffic Act, R.S.O. 1990, c.8*, as amended, a by-law passed under subsection 191.8 (3) of the Highway Traffic Act may permit the operation of off-road vehicles on any highway or on any part or parts of a highway only during specified times;

**AND WHEREAS** pursuant to Ontario Regulation 316/03, as amended, made under the *Highway Traffic Act*, a municipality may only authorize the operation of all-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles on municipal highways;

**WHEREAS** Council deems it expedient to pass a by-law to regulate the operation of offroad vehicles on highways under the jurisdiction of the municipality;

**NOW THEREFORE** the Council of The Corporation of the Town of Greater Napanee enacts as follows:

**1. DEFINITIONS**

In this By-Law,

- 1.1. “All-Terrain Vehicle”** means an Off-Road Vehicle 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 facing forward behind the driver, and
  - (B) is equipped with foot rests for the passenger that are separate from the foot rests for the driver;

**1.2. “Extreme Terrain Vehicle”** means an Off-Road Vehicle that,

- (a) Has six or eight wheels, the tires of which are all in contact with the ground,
- (b) Has no tracks that are in contact with the ground
- (c) Has seats that are not designed to be straddled, and
- (d) Has a minimum cargo capacity of 159 kilograms;

**1.3. “Multi-Purpose Off-Highway Utility Vehicle”** 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, and
- (d) Has a minimum cargo capacity of 159 kilograms;

**1.4. “Off-Road Motorcycle”** means an Off-Road Vehicle, designed primarily for recreational use, that

- (a) Has steering handlebars,
- (b) Has two wheels, the tires of which are all in contact with the ground,
- (c) Has a minimum wheel rim diameter of 250 millimetres,
- (d) Has a minimum wheelbase of 1,016 millimetres,
- (e) Has a seat that is designed to be straddled by the driver,
- (f) Is designed to carry a driver only and no passengers, and
- (g) Does not have a sidecar;

**1.5. “Highway”** includes a common and public highway, street, road, avenue, parkway, and laneway, any part of which is maintained by and under the jurisdiction of the municipality and which is used by the general public for the passage of vehicles and includes the area between the lateral lines thereof. Specifically excluded are any highways under the jurisdiction of the County of Lennox & Addington or the Province of Ontario [County Roads #1, 2, 3, 5, 8, 9, 10, 11, 12, 18, 21, 22, 25 and 41 and Provincial Highways #33 and 401].

**1.6. “Low Pressure Bearing Tire”** means wide, balloon type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressures of no greater than 70 kpa (10 psi).

**1.7. “Multi-Purpose Off-Highway Utility Vehicle”** 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, has seats that are not designed to be straddled, and has a minimum cargo capacity of 159 kilograms.

**1.8. “Municipality”** means The Corporation of the Town of Greater Napanee.

**1.9. “Off-Road Vehicle”** has the same meaning as in the *Off-Road Vehicles Act*, R.S.O. 1990, c. O.4, and includes, but is not limited to, an all-terrain vehicle, extreme terrain vehicle, multipurpose off-highway utility vehicle, off-road motorcycle, and recreational off-highway vehicle.

**1.10. “Recreational Off-Highway Vehicle”** 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, and
- (d) Has an engine displacement equal to or less than 1,000 cubic centimeters

## **2. GENERAL**

**2.1.** Off-Road Vehicles shall only be operated upon highways within the municipality in accordance with this by-law, Ontario Regulation 316/03 as amended, the Highway Traffic Act, R.S.O 1990, c. H.8, as amended and the Off-Road Vehicles Act, R.S.O. 1990, c. 0.4 as amended.

**2.2.** Operation of an Off-Road Vehicle shall be permitted on all highways under the jurisdiction of the Town of Greater Napanee with the exception of those listed on Schedule ‘A’ and Schedule ‘B’ attached hereto.

## **3. REGULATION OF OFF-ROAD VEHICLES ON MUNICIPAL HIGHWAYS**

**3.1.** An Off-Road Vehicle operated on a highway within the municipality must meet the equipment requirements of Sections 7 to 15 of Ontario Regulation 316/03, as amended, and be operated in accordance with Sections 16 to 24 of Ontario Regulation 316/03, as amended.

**3.2.** An Off-Road Vehicle shall not be driven on a highway at a rate of speed greater than:

- (a) 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, or
- (b) 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.

**3.3.** An Off-Road Vehicle shall not be operated on any highways between the hours of 10:00 p.m. and 6:00 a.m. of the next day.

**3.4.** No person shall operate or permit the operation of an Off-Road Vehicle on a municipal highway with more than one (1) driver and one (1) passenger.

**4. PENALTIES**

4.1. 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, R.S.O. 1990, c. P.33., as amended.

**5. BY-LAW REPEALED**

5.1. That By-law No. 2015-0054 and any other by-law or portions thereof conflicting with this by-law are hereby repealed.

**6. EFFECTIVE DATE**

6.1. This by-law shall come into force and take effect on the day of its passing.

Read a first and second time and finally passed this 13<sup>th</sup> day of September, 2022.

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Marg Isbester, Mayor

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Jessica Walters, Clerk

**SCHEDULE 'A' TO BY-LAW NO. 2022-0062**

**RESTRICTED HIGHWAYS**

**Highways under the jurisdiction of the Corporation of the Town of Greater Napanee where the use of Off-Road vehicles are prohibited:**

<b>Street</b>	<b>From</b>	<b>To</b>
Bridge Street	Its intersection with York Street	Its intersection with West Street

## SCHEDULE 'B' TO BY-LAW NO. 2022-0062

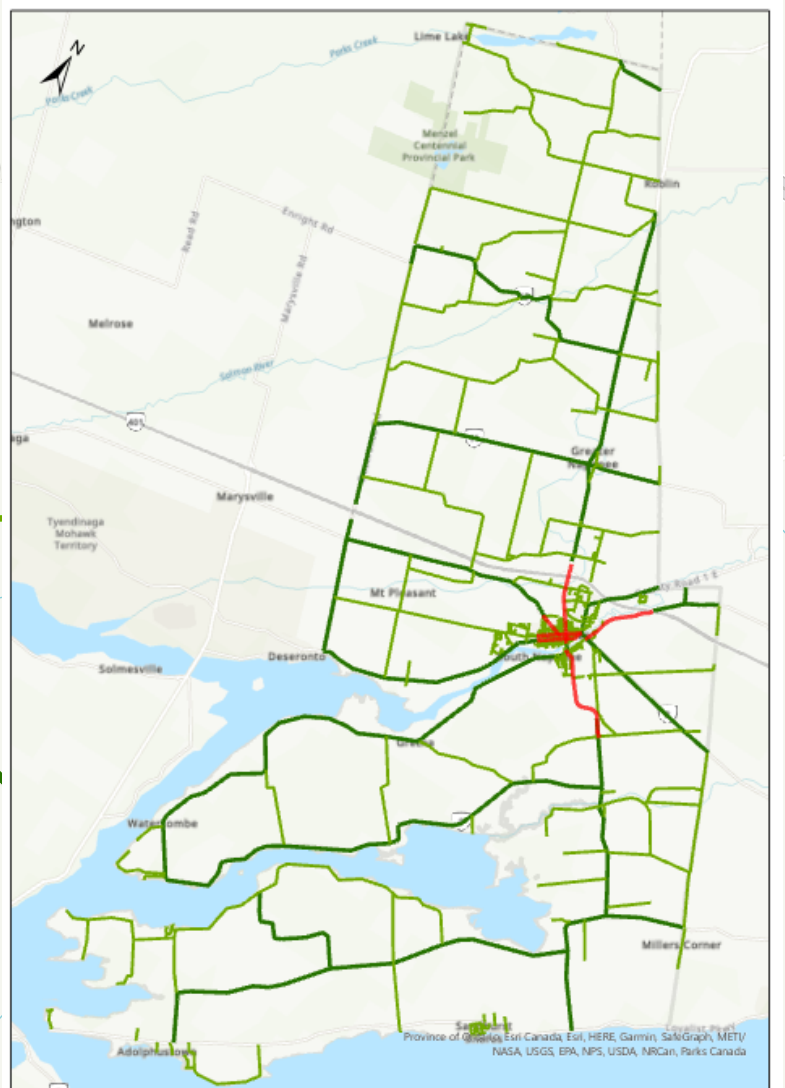
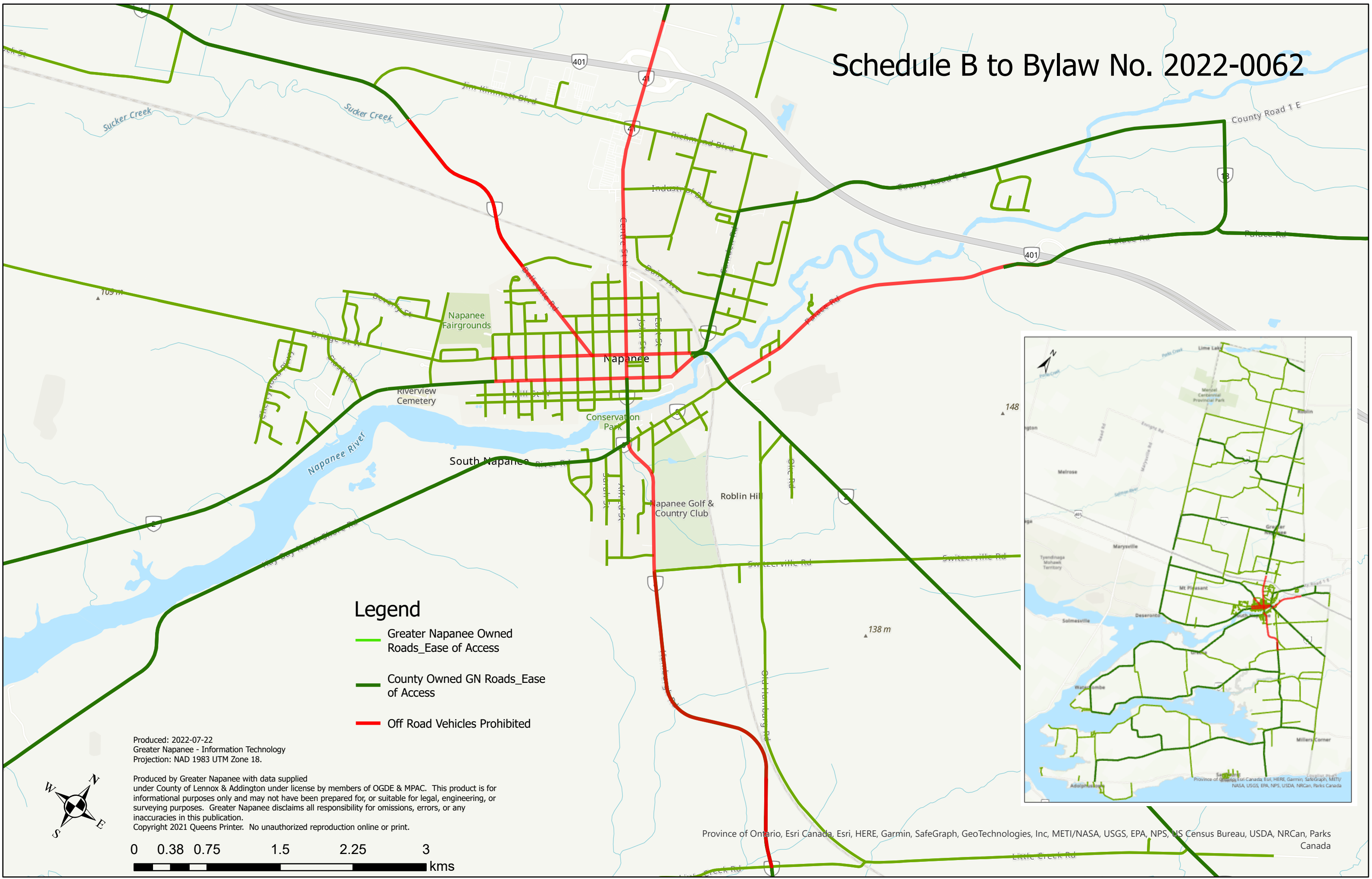
### FOR REFERENCE

Highways in the Town of Greater Napanee under the jurisdiction of the Corporation of the County of Lennox and Addington where the use of Off-Road vehicles are prohibited:

<b>Street</b>	<b>From</b>	<b>To</b>
County Road 1	A point 300m east of its intersection with Jim Kimmett Blvd	Its intersection with Alma Avenue
County Road 2	Its intersection with York Street	Its intersection with Alma Avenue
County Road 5	Its intersection with County Road 2	A point 300m west of the Highway 401 eastbound ramp terminal
County Road 8	Its intersection with County Road 9 / Palace Road	Its Intersection with Little Creek Road
County Road 41	Its intersection with County Road 2	Its intersection with Community Road

*\*subject to the by-laws established by the County of Lennox and Addington*

# Schedule B to Bylaw No. 2022-0062



- Legend**
- Greater Napanee Owned Roads\_Ease of Access
  - County Owned GN Roads\_Ease of Access
  - Off Road Vehicles Prohibited

Produced: 2022-07-22  
 Greater Napanee - Information Technology  
 Projection: NAD 1983 UTM Zone 18.

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