

The Corporation of the County of Lennox and Addington

By-law No. 3493/21

A By-law to Amend By-law No. 3316/15, As Amended, to Regulate the Operation of Off-Road Vehicles on Highways Under the Jurisdiction of the Corporation of the County of Lennox and Addington

WHEREAS, Section 191.8(3) of the Highway Traffic Act, R.S.O. 1990, as amended, provides that the Council of a municipality may pass by-laws permitting and regulating the operation of off road vehicles, as defined in Ontario Regulations 316/03 and 135/15, on highways under the jurisdiction of the municipality;

AND WHEREAS, Ontario Regulations 316/03 and 135/15 of the Highway Traffic Act, R.S.O. 1990, as amended, applies to the operation of off road vehicles on highways;

AND WHEREAS, the Council of the Corporation of the County of Lennox and Addington deems it necessary and expedient that the permitted use of certain off-road vehicles on certain highways under the jurisdiction of the County of Lennox and Addington be prescribed by by-law;

AND WHEREAS, the Council of the Corporation of the County of Lennox and Addington deems it necessary and expedient to amend By-law No. 3316/15;

NOW THEREFORE, the Council of the Corporation of the County of Lennox and Addington enacts as follows:

1. Definitions

- 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,
 - has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
 - is equipped with foot rests for the passenger that are separate from the foot rests for the driver.

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- 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 "off-road vehicle" has the same meaning as in the *Off-Road Vehicles Act*.
- 1.6 "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 centimetres.
- 1.7 "seat belt assembly" means a device or assemble composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person O.Reg. 316/03, s.1 and O.Reg. 135/15, s.1.
- 1.8 "highway" means a common and public highway, street, avenue, parkway and driveway, any part of which is intended for or used by the public for the passage of vehicle and includes the area between the lateral property lines thereof.

2. Regulation of Off-Road Vehicles on Highways

- 2.1 No person shall operate an off-road vehicle on a highway under the jurisdiction of the County of Lennox and Addington unless it meets the equipment requirements of Sections 7 to 15 of Ontario Regulations 316/03 and 135/15 and is operated in accordance with Sections 16 to 24 of Ontario Regulations 316/03 and 135/15.
- 2.2 No person shall operate an off-road vehicle at a rate of speed greater than:
- a) 20 km 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 km per hour;
 - b) 50 km 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 km per hour.

3. General

- 3.1 Operation of an off-road vehicle shall be permitted on all highways under the jurisdiction of the County of Lennox and Addington with the exception of those listed on Schedule 'A' attached hereto.
- 3.2 No person shall operate an off-road vehicle on those parts of a highway stipulated in Schedule 'A' attached hereto.
- 3.3 No person shall operate an off-road vehicle on highways under the jurisdiction of the County of Lennox and Addington except in accordance with the conditions of this By-law, in accordance with Ontario Regulations 316/03 and 135/15 of the Highway Traffic Act, and in accordance with the Off Road Vehicles Act as amended.

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 such fines and penalties as are provided for in the Provincial Offences Act R.S.O. 1990, as amended.

5. Schedule

- 5.1 Schedule 'A' shall be deemed to be an integral part of this By-law.

1. Validity/Severability

- 1.1 In the event any Court of competent jurisdiction should adjudge that any section or sections of this By-law may not be valid for any reason, such section or sections shall be deemed to be severable from the remainder of the By-law and the remainder of the By-law shall stand and be enforceable to the same extent as if the offending section or sections had not been included herein.

2. By-law Amendment

- 7.1 That this By-law shall amend By-law No. 3316/15, as amended.

3. Effective Date

- 3.1 This By-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the County of Lennox and Addington.

Read a first, second and third time and finally passed this twenty-seventh day of January 2021.

Clerk

Warden

THE CORPORATION OF THE COUNTY OF LENNOX AND ADDINGTON

SCHEDULE 'A' TO BY-LAW NO. _____/21

HIGHWAYS UNDER THE JURISDICTION OF THE CORPORATION OF THE COUNTY OF LENNOX AND ADDINGTON WHERE THE USE OF OFF-ROAD VEHICLES ARE PROHIBITED		
COUNTY ROAD NO.	FROM	TO
1	its intersection with Enviro Park Lane in the Town of Greater Napanee	a point 400m east of its intersection with Crouse Street in the Town of Greater Napanee
2	a point 750m west of its intersection with Russell Street in the Town of Greater Napanee	its intersection with Old Hamburg Road in the Town of Greater Napanee
5	its intersection with County Road 2 in the Town of Greater Napanee	a point 300m east of the Highway 401 westbound ramp terminal in the Town of Greater Napanee
6	its intersection with Highway No. 33 in Loyalist Township	its intersection with County Road 23 in Loyalist Township
7	its intersection with Highway No. 33 in Loyalist Township	its intersection with Doyle Road in Loyalist Township
8	its intersection with County Road 2 in the Town of Greater Napanee	its intersection with Golf Course Lane in the Town of Greater Napanee
9 (River Road)	its intersection with County Road 8 in the Town of Greater Napanee	a point 650m west of its intersection with Edgewood Drive in the Town of Greater Napanee
24	its intersection with Highway No. 33 in Loyalist Township	its intersection with County Road 23 in Loyalist Township
41	its intersection with County Road 2 in the Town of Greater Napanee	its intersection with Community Road in the Town of Greater Napanee