



By-law 27-2022

A By-law to Amend By-law 2015-41 to Regulate the use and Operation of "All-Terrain Vehicles" (ATV's) on Highways under the Jurisdiction of the County of Northumberland, and to Repeal By-law 2019-21

Whereas subsection 191.8 (3) of the Highway Traffic Act, RSO 1990, c H.8, as amended (the "HTA"), authorizes the Council of a municipality to pass by-laws:

- (a) 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 part or parts of such highway;
- (b) prescribing a lower rate of speed for off-road vehicles with three or more wheels and low pressure bearing tires than that prescribed for off-road 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. 1999, c. 12, Sched. R, s. 17;
- (c) on any highway or on any part or parts of a highway only during specified months or hours; 1999, c. 12, Sched. R, s. 17; and

Whereas Part III of Ontario Regulation 316/03, Operation of Off-Road Vehicles on Highways, under the HTA, on highways within the jurisdiction of the municipality, or on any part or parts of such highways, establishes regulations of Off-Road Vehicles by which All-Terrain Vehicles ("ATVs") are to be equipped, licenced, permitted, insured and operated on highways; and

Whereas subsection 11(3), paragraph 1, of the Municipal Act, 2001, SO 2001, c 25, as amended, provides that a municipality may pass by-laws respecting highways, including parking and traffic on highways; and

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Whereas Section 425 of the Municipal Act, 2001, SO 2001, c 25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under that Act is guilty of an offence; and

Whereas the Council of the County of Northumberland (the "County") has deemed it advisable to regulate the operation of ATVs, being a class of Off-Road Vehicle as defined in Part 1 of Ontario Regulation 316/03, Operation of Off-Road Vehicles on Highways, under the HTA, on highways within the jurisdiction of the County, or on any part or parts of such highways and has adopted By-laws 2015-41, 2016-54, 2017-43 and 2019-21 to regulate the use and operation of ATVs on highways under the jurisdiction of the County; and

Whereas the Council of the County has deemed it expedient to further amend By-law 2015-41, as amended, and to repeal previous related by-laws;

Now Therefore Be It Enacted as a by-law of the Council of the Corporation of the County of Northumberland as follows:

1. By-law 2015-41, as amended, is hereby further amended by deleting Schedule "A" to that By-law and replacing it with Schedule "A" to this By-law 27-2022.
2. By-law 2015-41, as amended, is hereby further amended by deleting the definition of "All-Terrain Vehicle" in section 1 of that By-law and replacing it with the following:

"All-terrain vehicle" as defined in Part 1 of Ontario Regulation 316/03 means an off-road vehicle that,

- a. has four wheels, the tires of all of which are 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
 - i. has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
 - ii. is equipped with foot rests for the passenger that are separate from the footrests for the driver;

3. By-law 2015-41, as amended, is hereby further amended by deleting section 13 of that By-law and replacing it with the following:

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13. Offences

Any person operating an All-Terrain Vehicle on a highway under the jurisdiction of the County in contravention of this By-law is, in addition to any other penalty that may be prescribed in any other statute or by-law, guilty of an offence and liable upon conviction to a fine as provided for in the Highway

Traffic Act, R.S.O. 1990, c. H.8, as amended and the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

All such penalties shall be recovered under the Provincial Offences Act, R.S.O. 1990, c. P.33 as amended.

4. By-law 2019-21 is hereby repealed.

5. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force.

6. Schedule "A" to this By-law is hereby incorporated into and forms part of this By-law.

That By-law 27-2022 be introduced and be deemed to be read a first, second and third time, passed, signed and sealed this 20th day of July, 2022.

R.J. (Bob) Crate, Warden

Nancy MacDonald, Clerk

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**Schedule "A" - forming Part of By-law 27-2022
County of Northumberland
Permitted Road Sections**

Road Name	Municipality	From	To	Road Surface Type
County Road 21	Cramahe	County Road 25	1.0 km west of Pogue Road	Surface Treated
County Road 8 (Campbellford Bridge)	Trent Hills	Grand Street	Front Street	Paved
County Road 24	Trent Hills	Broadworth Road	Linton Road	Surface Treated
County Road 29	Trent Hills	County Road 25	Main Street	Paved
County Road 29	Trent Hills	Norham Road	Skinkle Road	Surface Treated
County Road 30	Trent Hills	Percy Boom Road	Meyers Island Road	Paved
County Road 30 (Trent River Bridge)	Trent Hills	13 th Line West	Browns Line Road / County Road 42	Paved
County Road 38	Trent Hills	County Road 8	7 th Line East	Paved
County Road 45	Trent Hills	Broadworth Road	Morrow Road	Paved
County Road 50 (Healey Falls Bridge)	Trent Hills	Canal Road	12 th Line East	Paved
County Road 50	Trent Hills	14 th Line East	Trent River Road	Paved
County Road 9	Hamilton	Rice Lake Drive South	Main Street	Paved
County Road 18	Hamilton	Hillview Drive	Lakeshore Drive	Paved
County Road 45	Hamilton	Hickerson Road	Meyers Road	Paved
County Road 74	Hamilton	Ontario Street	Cornish Hollow Road	Paved
County Road 74	Hamilton	Division Street North	Racetrack Road	Paved