

The Corporation of the Town of Spanish

By-Law #2015-23

Being a by-law to permit the Operating of Off-Road Vehicles on Highways in The Town of Spanish;

AND WHEREAS the Highway Traffic Amendment Act, [Off-Road Vehicles] 2014 authorizes the Council of a Municipality to pass by-laws permitting the operation 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 the Highway Traffic Act has been amended to read that existing on-road access rules for “single-rider” ATVs will be extended to additional off-road types which meet specified voluntary off-highway industry standards. These changes will take effect on July 1st, 2015 and will be allowed on permitted provincial highways and municipal roads where bylaws permit their use:

- Two-up all-terrain vehicles [ATVs]
- Side-by-side ATVs
- Utility terrain vehicles [UTVs]

AND WHEREAS the Council of The Corporation of the Town of Spanish deems it advisable to permit the operation of the above off-road vehicles, being a class of off-road vehicles as defined in Ontario Regulation 316/03 Section 6, as amended, on highways within the jurisdiction of the municipality, or on any part or parts of such highway;

NOW THEREFORE, The Corporation of the Town of Spanish ENACTS AS FOLLOWS:

1. Off-Road Vehicles are permitted to operate on any highway within the municipality that is under the jurisdiction of the municipality or on any part or parts of such highway in accordance with Ontario Regulation 316/03.
2. Any person operating an off-road vehicle in contravention of this by-law shall be guilty of an offence, and subject to the penalties applicable by law.
3. No Person shall operate an off-road vehicle:
 1. Over or upon the following areas, namely:
 - (a) Deagle Crescent Park

- (b) Brennan Harbour Park (Being the immediate area between, on or around the canteen building, skating rink and pavilion)
 - (c) Brennan Harbour Ball field-area enclosed by fence
 - (d) Cutler Avenue Passive Park
 - (e) Farmers' Market and CP Heritage Park-area from the corner of Trunk Road and Highway 17-west to and including the former CP Building ~~(property)~~
 - (f) Trunk Road Parkette
 - (g) On any Private Property Without Consent of the Owner
2. On any sidewalk within the Town of Spanish

4. This By-Law repeals By-Law #2004-11 in its entirety.

5. This by-law shall come into force and take effect immediately upon the passing thereof.

Read a first time this 22nd day
of July, 2015.

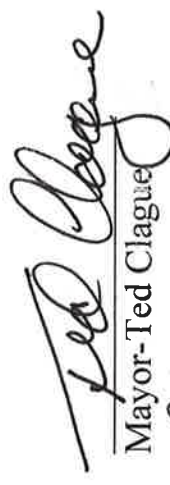


Mayor-Ted Clague



CAO-Pam Lortie

Read a second and third time
And finally passed this 5th day
of August, 2015.









Mayor-Ted Clague



CAO-Pam Lortie

APPENDIX A:

OFF-ROAD VEHICLE TYPES

CURRENTLY PERMITTED ON-ROAD	
	A single-rider all-terrain vehicle (ATV) is designed to travel on four low-pressure tires, having a seat designed to be straddled by the operator, handlebars for steering control and must be designed by the manufacturer to carry a driver only and no passengers.
PERMITTED ON-ROAD AS OF JULY 1, 2015	
	A two-up ATV is designed, and intended for use by an operator or an operator and a passenger. It is equipped with a seating position behind the operator designed to carry only one passenger.
	A side-by-side ATV has two abreast seats, typically built with a hood, and uses a steering wheel instead of a motorcycle steering handlebar.
	A utility terrain vehicle (UTV) has similar characteristics to a side-by-side ATV, but typically also features a box bed. UTVs are generally designed for utility rather than for the recreational purposes.
NOT PERMITTED ON-ROAD	
	An off-road motorcycle (ORM) is one of the few ORVs manufactured and sold in Canada with a Canadian Motor Vehicle Safety Standard (CMVSS) intended to be applied to it. Unlike the ORVs above, no industry manufacturing standard exists for ORMs.
	While not limited to amphibious ORVs like the ARGO ATV, some models of side-by-side ATVs and UTVs may also fall within a category of larger ORVs that may have six to eight wheels and accommodate more than four passengers. Amongst other concerns, ministry staff have expressed concerns that it will be difficult to accommodate such a large vehicle footprint on a shoulder.