

CORPORATION OF THE TOWN OF PARRY SOUND

PASSING OF BY-LAW NO: 2016 – 6640

7th Day of June 2016

MOVED BY COUNCILLOR

SECONDED BY COUNCILLOR

THAT BY-LAW NO: 2016 – 6640

Being a By-law to permit and regulate the operation of "Off Road Vehicles" on Town of Parry Sound Municipal Highways.

be considered as read a first time.

- CARRIED -

Are all members in favour of having the second and third readings?

MOVED BY COUNCILLOR

SECONDED BY COUNCILLOR

THAT THE BY-LAW ABOVE MENTIONED BE CONSIDERED AS READ A SECOND, AND THIRD TIME, PASSED, SIGNED AND SEALED.

- CARRIED -

ENTERED AS PART OF THE MINUTES OF MEETING HELD THIS:

7th Day of June 2016

JAMIE MCGARVEY, MAYOR

JACKIE JOHNSTON BOGGS, CLERK

Postponed to: _____

Amends By-law: _____

Repeals By-law: _____

By-law Amended: _____

By-law Repealed: _____

The Corporation of the Town of Parry Sound

By-law 2016 - 6640

Being a By-law to permit and regulate the operation of "Off Road Vehicles" on Town of Parry Sound municipal highways.

Whereas, the Highway Traffic Act, R.S.O. 1990, Chapter H. 8 Section 191.8, as amended, 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 highways;

And Whereas, the Highway Traffic Act, R.S.O. 1990, Chapter H. 8, Ontario Regulation 316/03, Operation of Off-Road Vehicles on Highways as amended defines All-Terrain Vehicles, Multi-Purpose Off-Highway Utility Vehicles and Recreational Off-Highway Vehicles as classes of Off-Road Vehicles and provides regulations governing the specifications and operation of All-Terrain Vehicles, Multi-Purpose Off-Highway Utility Vehicles and Recreational Off-Highway Vehicles upon highways; and

And Whereas, it is advisable to regulate the operation of Off Road Vehicles as per Ontario Regulation 316/03 Operation of Off-Road Vehicles on Highways as amended, on certain highways and trails within the jurisdiction of the Town of Parry Sound, or on any part or parts of such highways.

Now Therefore The Council Of The Corporation Of The Town Of Parry Sound Enacts As Follows:

1. Definitions:

"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,

The Corporation of the Town of Parry Sound

By-law 2016 - 6640

- 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;

“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;

“off-road vehicle” has the same meaning as in the *Off-Road Vehicles Act*. For the purpose of this by-law, it shall also include all-terrain vehicles, multi-purpose off-highway vehicles and recreation off-highway vehicles;

“highway” shall mean any and all public highways, streets and roads assumed and maintained under the jurisdiction and ownership of the Town of Parry Sound;

“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;

“seat belt assembly” means a device or assembly 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; O. Reg. 135/15, s. 1.

The Corporation of the Town of Parry Sound

By-law 2016 - 6640

2. Where Permitted

Off-road vehicles are permitted to be operated on all municipally owned and maintained highways, streets and roads that are within the Town of Parry Sound and under the jurisdiction of the Town of Parry Sound.

3. Where Prohibited

No person shall operate an off-road vehicle over or upon the following areas, with the exception of signed parking areas:

- a) Any unopened road allowance;
- b) Any rail corridor;
- c) Upon any sidewalk;
- d) Any portion of the Rotary and the Algonquin Regiment Fitness Trail; and
- e) Any park, shore road allowance, playground, beach, playground, cemetery and trail under the ownership of the Town of Parry Sound.

4. Regulations and Rules

- a) An off-road vehicle shall only be operated on Town of Parry Sound Highways as permitted by this By-law and provided it meets the requirements and is operated in accordance with the Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended, and Ontario Regulation 316/03, as amended;
- b) An off-road vehicle shall not be driven on a highway at a rate of speed greater than 20 kilometres per hour within the Town of Parry Sound; and
- c) That no person shall park an off-road vehicle on Town of Parry Sound highways or property unless it is within a designated on-street parking space or a municipally owned and signed parking lot.

5. Enforcement

The Corporation of the Town of Parry Sound

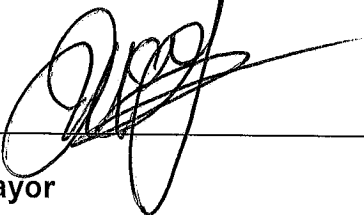
By-law 2016 - 6640

- a) Any person operating an off-road vehicle in contravention of this By-law shall be guilty of an offence and subject to the penalties provided by law; and
- b) Where applicable, the provisions of this By-law shall be enforceable by the Ontario Provincial Police, a Municipal By-law Enforcement Officer or other such person appointed by the Town of Parry Sound.

6. Other

- a) 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 By-law shall be valid and shall remain in force; and
- b) This By-law shall come into force and take effect upon final passage thereof.

READ a **FIRST** time this 7th day of June, 2016



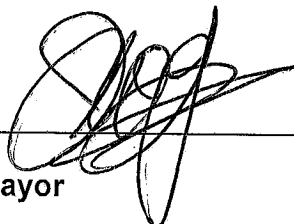
Mayor




Clerk

READ a **SECOND** and **THIRD** time, **PASSED, SIGNED** and **SEALED**

this 7 day of June, 2016.



Mayor



Clerk