

THE CORPORATION OF THE TOWN OF ESPANOLA**BYLAW NO. 2670/15****Being a Bylaw to Permit All-Terrain, Multi-Purpose and Recreation Off-Road Vehicles (Off-Road Vehicles) and Motorized Snow Vehicles on the Shoulder of Municipal Roads**

WHEREAS the Highway Traffic Act, R.S.O. 1990, Section 1918 (1) Chapter H.8 as amended, states that no person shall drive an off-road vehicle on a highway except in accordance with the regulations and any applicable municipal bylaws; and

AND WHEREAS section 7 of the Motorized Snow Vehicles Act, R.S.O. 1990, chapter M.44, enables the Council of a municipality to pass bylaws prohibiting the operation of motorized snow vehicles within the municipality on highways or parts thereof under the jurisdiction of the municipality;

AND WHEREAS Section 191.8 (3) of the Highway Traffic Act R.S.O. 1990, Chapter H.8 as amended, provides that the Council of a municipality may pass bylaws 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 which bylaws may prescribe a lower rate of speed for off-road vehicles by regulations on any highway within the municipality that is under its jurisdiction, or any part or parts of such highway;

AND WHEREAS Section 4 (2) of Ontario Regulation 316/03 states that All-terrain vehicles, multi-purpose off-highway utility vehicles and recreational off-highway vehicles may be driven on a highway if the requirements of Part III are met; and

NOW THEREFORE the Council of the Town of Espanola enacts as follows:

1. Definitions in this Bylaw:

“All-terrain 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 steering handlebars;
- c) has a seat that is designed to be straddled by the driver, and
- d) is designed to carry;
 - a. a driver only and no passengers, or
 - b. 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 is 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;

“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.

“Motorized Snow Vehicle” means a self-propelled vehicle designed to be driven exclusively on snow or ice or both.

“Street, Highway and Laneway” means a highway defined in the Highway Traffic Act, R.S.O. 1990.

2. Maximum Speed

No person shall drive an off-road vehicle or motorized snow vehicle along, upon, or across municipal streets and/or highways at a speed exceeding:

- 2.1 twenty (20) kilometres per hour if the speed limit established under the Act for that part of the highway is not greater than 50 kilometres per hour, or
- 2.2 fifty (50) kilometres per hour, if the speed limit established under the Act for that part of the highway is greater than 50 kilometres per hour, O. Reg. 3 16/03, s. 22.

3. Exceptions:

No person shall operate an off-road vehicle or motorized snow vehicle on the following streets in the Town of Espanola and the said streets shall hereinafter be referred to as restricted streets, namely:

- 3.1 TUDHOPE St commencing at a point where TUDHOPE St intersects with HIGHWAY #6/CENTRE St to SPANISH RIVER Dr to MEAD Blvd.
- 3.2 SECOND Ave from its intersection with HIGHWAY #6/CENTRE St to Mead Blvd.
- 3.3 MEAD Blvd from its intersection with Station Rd to Second Ave.
- 3.4 SPRUCE St from MEAD Blvd to AVERY Dr
- 3.5 PARK St from AVERY Dr to HIGHWAY #6/CENTRE St.
- 3.6 HIGHWAY #6/CENTRE St from TUDHOPE St to the McCULLOCH Dr.

4. Off-road vehicles and motorized snow vehicles shall cross restricted streets in the following manner only:

- 4.1 The operator shall first ensure that this movement can be made in safety and shall then drive his vehicle directly across the said restricted street.

5. No person shall operate an off-road vehicle or motorized snow vehicle:

- 5.1 Over or upon the following areas, namely
 - 5.1.1 Espanola Track and Field – bounded by Avery Drive, Hunter Street, the Espanola Public Library and the Espanola Regional Recreation Complex property.
 - 5.1.2 Red McCarthy Memorial Athletic Fields, including the recognized travel pathway.
 - 5.1.3 Pinegrove Playground situated on Second Avenue, west of the Espanola Public Works yard, including the recognized travel pathway.

- 5.2 On any sidewalk within the Town of Espanola.

6. The operator of an off-road vehicle or motorized snow vehicle shall ensure:

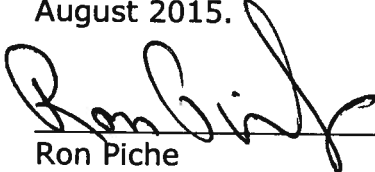
- 6.1 That when towing a sleigh or other trailing device, that the said sleigh and/or travelling device shall be equipped with a rigid hitch and shall be fastened securely to the vehicle.
- 6.2 That all sleighs and/or trailing devices shall be equipped with at least one 7.5 cm red reflector at the rear.

7. Any person who contravenes any of the provisions of this Bylaw is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

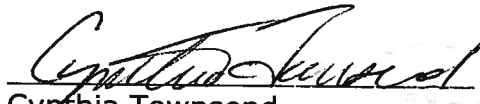
8. Bylaw No. 1980/07 and Bylaw No. 2015/07 are hereby repealed.

9. This Bylaw shall come into force and take effect immediately upon the passing thereof by the Council of the Town of Espanola and Schedule 'A' Short Form Wording/Set Fines shall come into force and take effect immediately upon approval by the Ontario Court of Justice.

Read a first, second and third time and finally passed in open Council on this 11th day of August 2015.



Ron Piche
Mayor



Cynthia Townsend
Clerk Treasurer/Administrator



Schedule 'A'
PART I Provincial Offences Act
Bylaw 2670/15, Regulate Off-Road Vehicles and Motorized Snow Vehicles

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Exceed twenty (20) kilometres per hour.	Section 2.1	
2	Exceed fifty (50) kilometres per hour.	Section 2.2	
3	Operate snow vehicle on a Restricted Street	Section 3	
4	Failure to cross restricted streets in proper manner.	Section 4.1	
5	Operate off road vehicle or motorized snow vehicle over or upon the Espanola Track and Field	Section 5.1.1	
6	Operate off road vehicle over or upon Red McCarthy Memorial Athletic Fields	Section 5.1.2	
7	Operate off road vehicle over or upon Pinegrove Playground	Section 5.1.3	
8	Operate off road vehicle on a sidewalk	Section 5.2	
9	Failure to ensure trailing device is equipped with a rigid hitch and securely fastened.	Section 6.1	
10	Failure to ensure trailing device meets all requirements	Section 6.2	

NOTE: The penalty provisions for the offences indicated above is Section 7 of Bylaw 2670/15, a certified copy of which has been filed.



Schedule 'A'
PART I Provincial Offences Act
Bylaw 2670/15, Regulate Off-Road Vehicles and Motorized Snow Vehicles

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Exceed twenty (20) kilometres per hour.	Section 2.1	\$150.00
2	Exceed fifty (50) kilometres per hour.	Section 2.2	\$150.00
3	Operate snow vehicle on a Restricted Street	Section 3	\$150.00
4	Failure to cross restricted streets in proper manner.	Section 4.1	\$150.00
5	Operate off road vehicle or motorized snow vehicle over or upon the Espanola Track and Field	Section 5.1.1	\$150.00
6	Operate off road vehicle over or upon Red McCarthy Memorial Athletic Fields	Section 5.1.2	\$150.00
7	Operate off road vehicle over or upon Pinegrove Playground	Section 5.1.3	\$150.00
8	Operate off road vehicle on a sidewalk	Section 5.2	\$150.00
9	Failure to ensure trailing device is equipped with a rigid hitch and securely fastened.	Section 6.1	\$150.00
10	Failure to ensure trailing device meets all requirements	Section 6.2	\$150.00

NOTE: The penalty provisions for the offences indicated above is Section 7 of Bylaw 2670/15, a certified copy of which has been filed.