

Type of Decision							
Meeting Date	Tuesday, September 11, 2018			Report Date	Thursday, August 16, 2018		
Council Decision Required	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Priority	X	High	Low
Complies with Current Policy	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Creates New Policy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Aligns with Strategic Plan	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Priority in Asset Management Plan	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Follows Procedure By-law	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Follows Procurement By-Law	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Aligns with Zoning By-Law	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Aligns with previous Council precedent	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
As per Provincial Legislation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>			Provincial Act or Regulation	Off-Road Vehicles Act (ORVA) and the Highway Traffic Act.		
Direction	x	Information Only		Type of Meeting	X	Open	Closed
REPORT TITLE - ATV and Off Road Vehicle By-Law							
Report #11/09/2018 - 1002							

Subject: Consideration of allowing ATVs and Off Road Vehicles on Municipal Roads

RECOMMENDATION:

That Council adopt the following recommendations.

Resolution #1

WHEREAS Council has an obligation to protect the health and safety of the public under the Municipal Act;

AND WHEREAS many residents and visitors to Head, Clara & Maria enjoy the use of off road vehicles;

AND WHEREAS Council wishes to continue to permit the use of off road vehicles but in a safe and respectful manner, attempting to ensure the safety of riders and others alike;

AND WHEREAS without a municipal ATV and/or Off Road By-law off road vehicles are illegal on any municipal road;

THEREFORE BE IT RESOLVED THAT in order to permit off road vehicle use in a safe and controlled manner, and to provide a document which Ontario Provincial Police and any municipal enforcement staff might use to enforce municipal rules, the Council of the United Townships of Head, Clara & Maria does approve the attached by-law number 2018-19, ATV and Off Road Vehicle By-Law as amended to become effective immediately on final passing.

AND FURTHER THAT this by-law be read a first time this 11th day of September 2018.

BACKGROUND/EXECUTIVE SUMMARY:

1. The use of off-road vehicles on municipal roads is illegal unless a municipality passes a by-law allowing such use.
2. The consultation which occurred in respect to the use of the Algonquin trail identified some resident dissatisfaction with the current status of uncontrolled use of ATVs and trespass in each of our 4 communities.
3. In order to ensure that respectful controlled use of ATVs on municipal roads is legally approved and permitted by the municipality, a by-law is required.
4. Council has an obligation to the public to ensure public health and safety and enacting an ATV by-law will allow council to set times of use and speed limits which the OPP and any municipal enforcement officers in the future may enforce.
5. Attachments with excerpts from local ATV associations, as well as the Ministry of Transportation have been provided to support staff recommendations.
6. The local Renfrew County ATV Club and the Ofof ATV Clubs have requested of Council use of the rail trail through Head, Clara & Maria to connect their trails in other areas.
7. Some sections of the by-law may seem that they do not apply to our situation eg. Construction areas, but we never know what the future holds and it is better to be pro-active than re-active after something has occurred. If it doesn't really apply to what is occurring right now, does not mean that it won't be valid in the future.

Options/Discussion:

1. Option 1 – Don't pass a by-law.

a. Pros

- i. No challenges with enforcement.
- ii. Status quo.
- iii. Conflicts with current legislation.

b. Cons

- i. No control over use on municipal roads.
- ii. The continued notion that HCM is "the wild west" and rules don't apply will continue for those identified as "weekend warriors" during consultation meetings.
- iii. Continued unchecked damage to municipal roads.
- iv. OPP have no by-law with which to assist with enforcing speed limits etc. – all use is illegal and fines could be levied for each ATV found on municipal roads whether they are complying with provincial rules or not.

2. Option 2 – Adopt a municipal ATV By-law.

a. Pros

- i. Provides a framework for legal use of off road vehicles on municipal roads.
- ii. Ideally reduces speed, dangerous driving and damage to municipal roads.
- iii. Curfew allows for quiet enjoyment of property during the night.

b. Cons

- i. Need for concerted efforts with respect to enforcement, otherwise it is useless.
- ii. Costs associated with increase policing costs and/or by-law enforcement costs.

3. Speed Limits

- a. Other by-laws reviewed note a 20 or 30 kph speed limit in areas with residences/other traffic.
- b. ATVs/ORVs on the road must travel at speeds less than the posted speed limit:
 - i. no more than 20 km/h on roads with a posted speed limit of 50 km/h or less
 - ii. no more than 50 km/h on roads with a posted speed limit greater than 50 km/h
- c. Municipalities may set lower speed limits or additional rules for ATVs/ORVs.

4. Excluded Roads – Schedule required? S2.2

- a. Does Council see any roads which should have access completely excluded?
- b. Section 2.2 speaks to a Schedule which could be attached to exclude any specific road or portion thereof.

5. Annual Exemptions – s2.6

- a. Most by-laws require that ATVs refrain from using gravel roads during spring thaw.
- b. Section 2.6 requires a time frame?

6. Time Limits – s 2.8

- a. Most by-laws reviewed initiated a curfew for built up areas of 7:00 a.m. to 11:00 p.m.
- b. The operation of ATVs shall not be permitted one half hour before sunset to one half hour after sunrise.

Financial Considerations – Budget Impact:

Financial considerations would include those for enforcement, advertisement, increased police calls, by-law enforcement.

Others Consulted:

OPP, appropriate legislation, various municipal ATV By-Laws – City of Pembroke, Town of Renfrew, Town of Mattawa, City of Greater Sudbury and others...

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk

Melinda Reith