

# Report

<b>Report No.</b> OCS-2019-12	<b>To:</b> Council	<b>Prepared By:</b> Brad Robinson
<b>Meeting Date:</b> April 24, 2019	<b>Subject:</b> Off-Road Vehicle use on Municipal Roadways – Review of Bylaw 2018-045	<b>Motion #</b> _____
<b>Roll #:</b>		<b>R.M.S. File #:</b>

<b>Recommendation(s):</b>	<b>Requires Action</b> <input checked="" type="checkbox"/>	<b>For Information Only</b> <input type="checkbox"/>
---------------------------	--	--

It is recommended:

1. That Report No. OCS-2019-12 be received and adopted;
2. That staff review the feasibility of establishing a regional ATV/ORV route through the Township;
3. That staff be authorized to undertake a community consultation program consisting of two open houses, an online survey and opportunity for written submissions;
4. And that staff report back to Council prior to the expiry of Township Bylaw 2018-045.

## Background:

On July 18, 2018 Council approved an update to the Township ATV/ORV Bylaw to come into conformance with changes to Provincial regulations and to expand permissions for ATV/ORV use on Township roadways.

For a one year period from August 7, 2018 to August 7, 2019, Township of Oro-Medonte By-law 2018-045 regulates the permissible use of *All Terrain Vehicles* (ATVs) on Municipal roadways. Currently the By-law permits for the use of ATVs on specific roads within Ward 2 and Ward 5 and winter use from January 1<sup>st</sup> to March 15<sup>th</sup> from Hwy. 11 south from Lake Simcoe and within the Township's eastern and western boundaries (with certain exclusions). A copy of the By-law is attached for reference. (Figure 1)

As By-law 2018-045 is only valid for a one year period, Council will be required to update Bylaw 2018-045 by August 7, 2019. As part of the update, Council will be required to determine what, if any permissions are to be provided for ATV/ORV use on

Township Roadways and to update the By-law to ensure it is consistent with the recent changes to provincial regulations pertaining to ATV/ORVs use.

Previous reports and documentation have been presented to Council that have provided background research and recommendations regarding ATV/ORV use within the Township as it relates to safe use, insurance implications, ATV/ORV user groups, policing as well as County, staff and resident input. **(Table 1)**

<b>Background Report / By-law</b>	<b>Decision / Outcome</b>
Staff Report PW2004-06 (COW June 17, 2004)	Denied request of OFATV to open roadways until such time as a maintained trail system is in operation.
Staff Report RC2007-29 (COW December 19, 2007)	Request to open roadways from North Simcoe ATV Club / OFATV denied and staff to work with Club on risk management, parking and the development of a regional trail network.
Staff Report RC2010-24 (Council, November 10, 2010)	Approved the use of ATV's on specific Municipal roads from designated parking areas to Lake Simcoe access points for winter months (Jan 1. – March 15) for recreational purposes. \$5000 approved for signage.
By-law 2010 – 034 By-law to permit off-road vehicles on specific Municipal roads	By-law to regulate the above for 1-year trial.
By-law 2010-189 By-law to permit off-road vehicles on specific Municipal roads	By-law amended to remove time period of 1-year and changed to any given year.
Staff report RC2011-20	Approved expansion of permissions to regulate the use of ATV's on specific Municipal roadways generally from Hwy.11 South to Lake Simcoe to eastern and western boundaries from Jan 1 – March 15 for 1-year.
By-law 2012-184 By-law to permit off-road vehicles on specific Municipal roads	Expansion of permissions to regulate the use of ATV's on specific Municipal roadways generally from Hwy.11 South to Lake Simcoe to eastern and western boundaries for winter months for 1 – year period.
Staff report RC2012-025	Extended the By-law to remove the 1-year limitation.
By-law 2013-203 By-law to permit off-road vehicles on specific Municipal roads	Renewal of the By-law referenced above to remove the annual timeframe of 1-year of the By-law. No changes
Staff Report OCS-2018-11	Outlined a number of considerations and implications associated with the decision

	to permit the use of ATV/ORV on municipal roads
Staff Report OCS-2018-21	Approved the use of ATV/ORV within specific wards of the Township and renewed seasonal use along the existing Lake Simcoe corridor
By-law 2018-045 (Off Road Vehicles Bylaw)	By-law to approve and prohibit the use of ATV/ORV on Township roadways within specific Township Wards, continue seasonal use on Township roadways for winter recreation from January 1-March 15. The Bylaw was for one year trial period from August 7, 2018 – August 7, 2019.

**Table 1 – Background Information Summary**

The following report will provide an update on the Bylaw and provide considerations for Council in reviewing further amendments prior to its August 7, 2019 expiry.

**Analysis:**

**By-law 2018-045 (Off Road Vehicle Bylaw)**

By-law 2018-045 replaced previous ATV Bylaws and included updates to reflect changes in provincial legislation regarding ATV/ORV use. The Bylaw also permitted expanded ATV/ORV use in Wards 2, 4 and 5 under specific regulations and restricted use in Wards 1 and 3. Seasonal provisions for winter recreation were continued and consolidated within the new Bylaw.

**ATV/ORV Communication**

The Township has received minimal communication from residents since August 7, 2018. A summary of communication received from residents regarding the use of ATV's/ORV's on Township roadways since the implementation of By-Law 2018-045 on August 7, 2018 can be found in Table 2.

Location	Complaint/Inquiry
Ward 1 – Line 5 North	2 complaints from one individual regarding a large group of 10 ATV's travelling on Line 5 North between Horseshoe Valley Road and Ingram Road
Ward 1 – Line 5 North	ATV use in Boville Court and Horseshoe Ridge Way
Ward 2 – Line 12 North	Resident inquiry as to why ATV's are permitted to travel on Line 12 North

**Table 2 – Communication from residents regarding ATV/ORV use**

In addition to the communication referenced in Table 2, the Township through various channels has received communications from residents/associations generally opposing ATV/ORV use on Municipal roadways as well as from residents in wards where ATV/ORV use is prohibited feeling use should be permitted.

In general, to date there has been few complaints or identified issues with the current structure of the Bylaw.

Municipal By-Law staff have not received any complaints in relation to ATV/ORV issues on private property or the damage to Township property.

Oro-Medonte Fire and Emergency Services have not attended any incidents regarding ATV/ORV use since the implementation of By-law 2018-045.

At the time this report was authored staff have not yet received any statistics or feedback from the Ontario Provincial Police.

### **Seasonal Use**

Seasonal access to Lake Simcoe has remained consistent with previous ATV/ORV Bylaws and no concerns have been brought forward as a result of continuing access to Lake Simcoe on a seasonal basis generally from Hwy. 11 south from Lake Simcoe and within the Township's eastern and western boundaries (with certain exclusions).

### **Regional Considerations**

Following the enactment of the Township's Off Road Vehicle Bylaw, the Township of Springwater is considering expanding permissions for ATV/ORV use on its roadways. The Township of Springwater has held two open houses in March, conducted an online survey and is accepting written comments from interested parties. A decision is anticipated in June 2019.

## **Community Input**

Consideration should be given to consultation with residents and communities within the Township prior to the August 7, 2019 Bylaw renewal date. Community and resident input on items such as on road use, trail network location, settlement areas, rural use, and Lake Simcoe access can help provide beneficial information required to aid in structuring a permanent Bylaw moving forward.

Public information sessions, an online survey and written comments would be beneficial in the process of assessing both the positive and negative factors impacting ATV/ORV use throughout the entire Township.

## **Trail Networks**

The Central Ontario All-Terrain Vehicle Club (COATV) has requested that a trail network run through the Township to connect neighbouring Townships, trail networks and proposed trail network systems. Under the current Bylaw, the proposed trail network will not be possible unless approved by Council. Having a trail run through a Township Ward that has been prohibited from ATV/ORV on-road use will make it challenging for individuals within the prohibited ward to access an approved trail as well as enforcement within prohibited areas. Examination of appropriate routes for the trail network and possible linkage to Simcoe County Forests has not yet been reviewed in depth and should form part of the ATV/ORV Bylaw update.

## **Additional Considerations**

### *Administration of Bylaw 2018-045*

The Bylaw in its current form is complex with a number of areas where use is permitted or prohibited, seasonality across different areas and various schedules which make it difficult for the general public to understand as well as the general administration and enforcement of the Bylaw.

### *Staff Report OCS2018-11*

The comprehensive staff report has provided a holistic review of considerations which remain relevant in reviewing potential amendments to the Off Road Vehicle Bylaw.

<b>Corporate Strategic Goals:</b>
-----------------------------------

Quality of Life  
Safe and Healthy Community  
Enhanced Communications and Customer Service

**Consultations:**

Chief Municipal Law Enforcement Officer  
Oro-Medonte Emergency Services  
Ontario Provincial Police

**Attachments:**

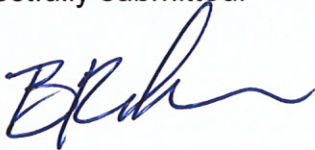
By-law 2018-045 All-Terrain Vehicle By-law

**Conclusion:**

Report OCS 2019-12 has reviewed components of By-Law 2018-045 from August 8, 2018 forward.

In planning for the required update of the existing the Bylaw at the end of the one-year trial period, it is recommended that Council consider additional community consultation through an online survey, community forum/open house and written comments. A review of a potential regional trail network and determining an appropriate route in the Township should also be reviewed and considered in implementing an appropriate ATV/ORV Bylaw for the entire Township.

Respectfully submitted:



Brad Robynson C. Tech  
Infrastructure and Capital Projects Coordinator

**SMT Approval / Comments:**



**C.A.O. Approval / Comments:**



**The Corporation of the Township of Oro-Medonte**

**By-law No. 2018-045**

**Being a By-law to Permit All-Terrain, Multi-Purpose Off-Highway Utility  
and Recreational Off-Highway Vehicles  
on Municipal Highways**

**(Off-Road Vehicles By-law)**

**Whereas** the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8(1), provides that no person shall drive an off-road vehicle on a highway except in accordance with the Highway Traffic Act regulations and any applicable municipal by-law;

**And Whereas** the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8(3), provides that a municipality may pass by-laws permitting certain off-road vehicles on highways under the jurisdiction of the municipality and providing speed limits for such vehicles;

**And Whereas** the Municipal Act, S.O. 2001, Chapter 25, Section 11(3), provides that a municipality may pass by-laws with respect to municipality owned roads, including parking and traffic on such highways;

**And Whereas** the operation of off-road vehicles on highways is a privilege and not a right;

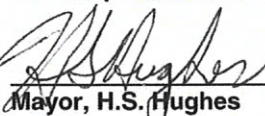
**And Whereas** by the adoption of Resolution No. C180718-14 and C180718-15, Council deems it necessary to enact a by-law to permit the use of off-road vehicles on certain municipal highways.

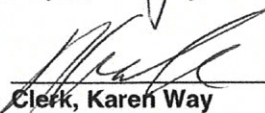
**Now Therefore** the Council of the Township of Oro-Medonte hereby enacts as follows:

1. That Appendix "A", Schedules "A", "B", "C" and "D" form part of this By-law.
2. This By-law may be cited as "The Township of Oro-Medonte Off-Road Vehicles By-law."
3. This By-law shall come into force and effect on August 7, 2018 and shall remain in force and effect until August 7, 2019.

**By-law read a First, Second and Third time, and Passed this 18th day of July, 2018.**

**The Corporation of the Township of Oro-Medonte**

  
\_\_\_\_\_  
Mayor, H.S. Hughes

  
\_\_\_\_\_  
Clerk, Karen Way

## Appendix "A"

### To By-law No. 2018-045 for the Corporation of the Township of Oro-Medonte

#### 1.0 Definitions

For the purpose of this By-law, the following definitions shall apply:

**"Boulevard"** shall mean that part of the highway situated between the curb line and the property line of the lot abutting the highway, but does not include a sidewalk or shoulder.

**"Council"** means the Council for The Corporation of the Township of Oro-Medonte.

**"Designated Trail Route"** shall mean a trail that has been approved by Council and designated by agreement or memorandum of understanding with a recognized agency and includes extension of the agency's insurance coverage to terms acceptable to the Township.

**"Highway"** includes a common and public highway, street avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

**"Municipal Law Enforcement Officer"** means a person duly appointed by the Corporation of the Township of Oro-Medonte for the purpose of enforcing the provisions of this By-law and who shall have the powers as set out in the Provincial Offences Act, R.S.O., 1990, c.P. 33, as amended.

**"Municipality"** shall mean The Corporation of the Township of Oro-Medonte.

**"Off-Road Vehicle"** shall mean an off-road vehicle intended for off-road and within the meaning of the Off-Road Vehicles Act, and as defined by the Highway Traffic Act and or the regulations thereto and includes off-road vehicles as defined as follows:

**"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,
  - (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 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 centimeters;

For the purposes of this By-law the terms off-road vehicle, multi-purpose off-highway utility vehicle, and recreational off-highway vehicle shall be referred to as "off-road vehicle" and treated as one in the same.



**"Recognized Agency"** shall be the Ontario Federation of All-Terrain Vehicle Clubs and the Central Ontario ATV Club.

**"Settlement Area"** for the purpose of this By-law shall include: Bass Lake area, Prices Corners, Eight Mile Point Road area and Scottdale Drive area.

**"Sidewalk/Footpaths"** means that portion of a highway as is set aside by The Corporation of the Township of Oro-Medonte for the use of pedestrians.

**"Township"** shall mean The Corporation of the Township of Oro-Medonte.

## **2.0 Regulation of Off-Road Vehicles on Township Highways**

### **2.1 Prohibition**

**2.2** No person shall operate an Off-Road Vehicle or permit an Off-Road Vehicle to be operated on a highway:

**2.2.1** under the jurisdiction of the Township that is an unopened road allowance except upon those highways (unopened road allowances) or portions thereof set out in Schedule "B" of this By-law and during the dates listed therein;

**2.2.2** under the jurisdiction of the Township outside of a Settlement Area except upon those highways or portions thereof set out in Schedules "A" and "D" of this By-law and during the dates listed therein; and

**2.2.3** under the jurisdiction of the Township within a Settlement Area (identified in Schedule "C" of this By-law) except while such Off Road Vehicle is in transit from or to a Designated Trail Route.

**2.3** On those highways under the Township's jurisdiction where Off-Road Vehicle use is permitted under section 2.2, no persons shall operate such Off-Road Vehicle at a rate of speed greater than:

**2.3.1** 20 kilometers per hour, if the speed limit established under the Highway Traffic Act or by municipal by-law for that part of the highway is 50 kilometers per hour or less;

**2.3.2** 50 kilometres per hour, if the speed limit established under the Highway Traffic Act or by municipal by-law for that part of the highway is greater than 50 kilometres per hour.

**2.4** On those highways under the Township's jurisdiction where Off-Road Vehicle use is permitted under section 2.2, no persons shall operate such Off-Road Vehicle between the hours of 9:00 p.m. and 6:00 a.m. the following day, inclusive.

**2.5** On those Highways under the Townships jurisdiction where Off-Road Vehicles use is permitted under section 2.2, no person shall operate such Off-Road Vehicle between November 15<sup>th</sup> through till April 15<sup>th</sup> of the following year, except as identified in Schedules "A" and "B" of this By-law.

**2.6** Notwithstanding section 2.4, upon written request Council may approve by resolution, a modification to the regulated hours therein where such request is made in association with a special event or other activity that is legally permitted.

**2.7** No person shall park an off-road vehicle on a municipal highway except in accordance with the (Parking By-law) or where otherwise authorized by signage displayed and indicating that Off-Road vehicle parking is permitted.

**2.8** Notwithstanding the permission granted under section 2.2 no person shall operate an Off-Road Vehicle:

**2.8.1** upon any Sidewalks/Footpaths, or

**2.8.2** within any ditches, drainage areas or other portions of the highway outside of the travelled portion (of the highway).

### **3.0 Off-Road Vehicles on Municipal Property Other than Highways**

**3.1** On all municipally owned lands, other than highways, no person shall operate an Off-Road Vehicle except:

**3.1.1** in areas permitted as identified in Schedule "B" of this By-law

### **4.0 Enforcement**

**4.1** The provisions of this By-law shall be enforceable by a police officer, municipal law enforcement officer, or other such persons as appointed by the municipality.

**4.2** Failure to stop when directed by a police officer, municipal law enforcement officer, or appointed person shall be an offence of obstruction.

### **5.0 General**

**5.1** In the event that any provisions of this By-law are found by a court of competent jurisdiction to be without effect under Section 14. (1) of the Municipal Act, S.O. 2001, as amended, such provisions shall be deemed to be severed and the remainder of this By-law shall remain in full force and effect.

**5.2** This By-law shall apply in addition to the provisions of any other Township by-law and the Municipal Act, 2001, S.O. 2001 c. 25, as amended, provided that in the event of conflict, the provisions of any other Township by-law or the Municipal Act, 2001, S.O. 2001 c. 25, as amended, shall not be paramount over this By-law, provided such provisions are not contrary to law.

### **6.0 Offences**

**6.1** No person shall obstruct, hinder, or otherwise interfere with a police officer, municipal law enforcement officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this By-law.

**6.2** Every person who contravenes any provision of this By-law is guilty of an offence and shall be liable to a fine pursuant to the Municipal Act, as amended, every such fine is recoverable under the Provincial Offences Act, as amended.

## Schedule "A"

### to By-law No. 2018-045 for The Corporation of the Township of Oro-Medonte

#### Areas Permitted January 1<sup>st</sup> – March 15<sup>th</sup> of any given year

All highways under the jurisdiction of the Township of Oro-Medonte within the following boundaries:

Northern Boundary -Highway 11

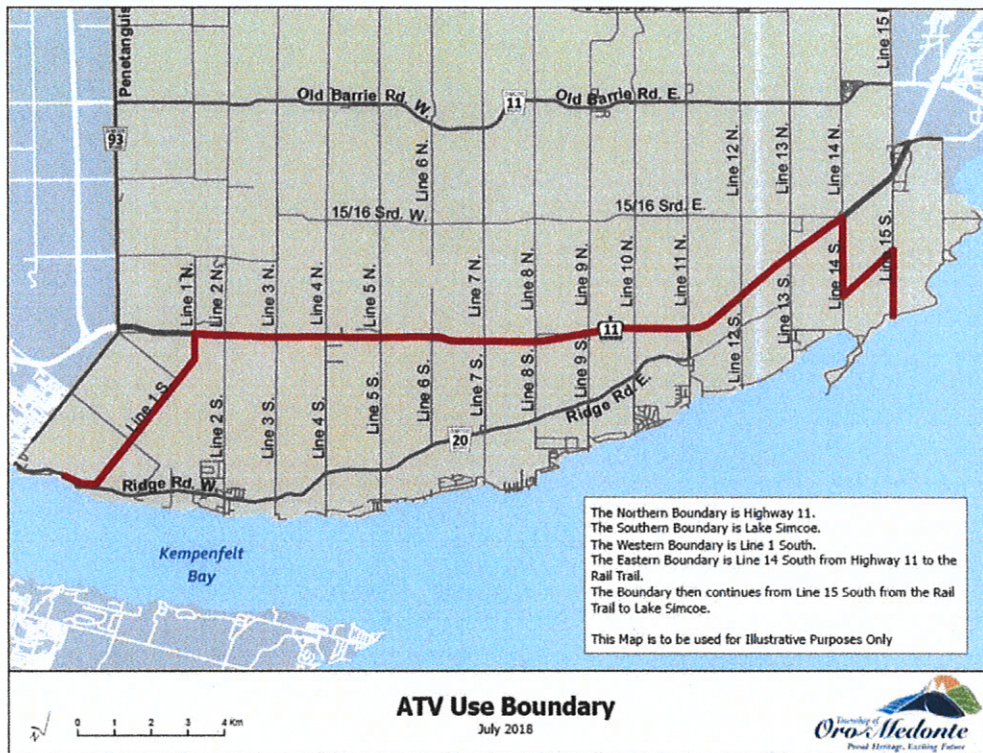
Southern Boundary -Lake Simcoe

Western Boundary -Line 1 from Highway 11 south to Lake Simcoe

Eastern Boundary -Line 14 South from Highway 11 to the Rail Trail. The boundary then continues from Line 15 South from the Rail Trail to Lake Simcoe.

Exclusions to the above are hereby noted as follows:

Ridge Road/Shanty Bay Road -Under the jurisdiction of the County of Simcoe (only permitted to cross at 90-degree angle).



**Schedule "B"**

**to By-law No. 2018-045 for  
The Corporation of the Township of Oro-Medonte**

**Areas Permitted January 1<sup>st</sup> – March 15<sup>th</sup> of any given year**

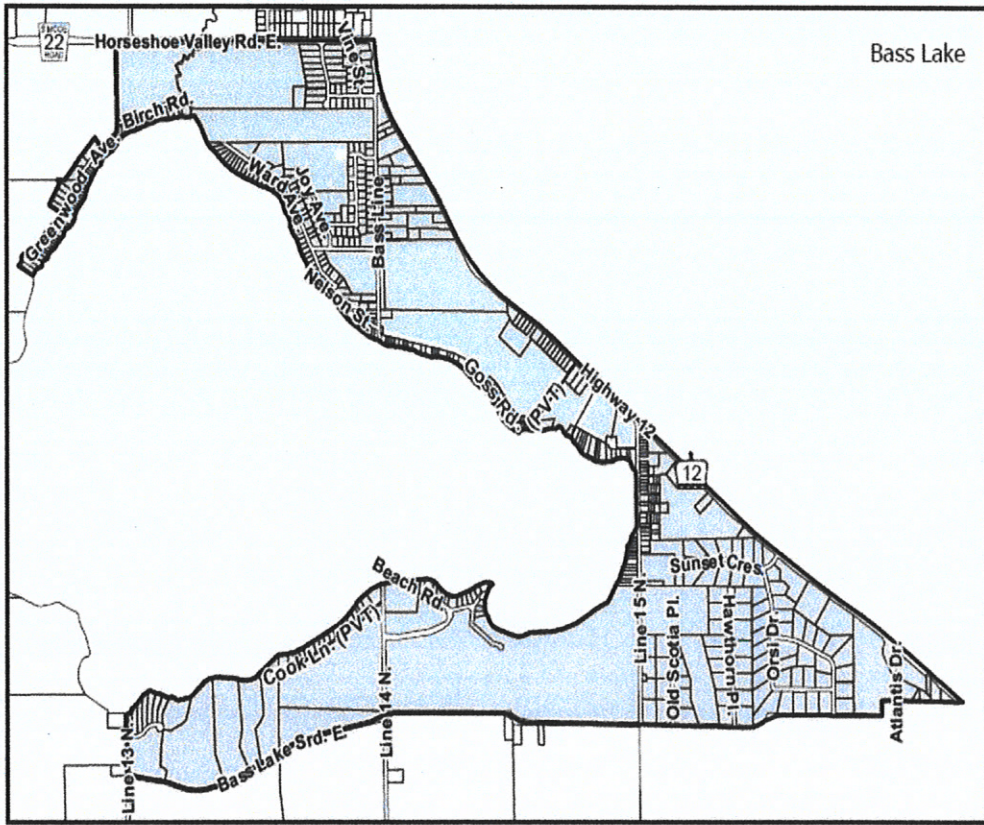
Operation of an off-road vehicle is permitted on the following unopened road allowance from January 1<sup>st</sup> till March 15<sup>th</sup> in any given year:

- a) Colborne Street
- b) Black Forest Road
- c) Ice Road
- d) Little Road
- e) Wilson Street
- f) Woodland Drive

Schedule "C"

to By-law No. 2018-045 for  
The Corporation of the Township of Oro-Medonte

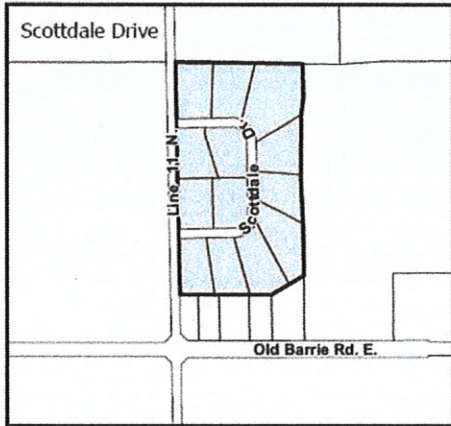
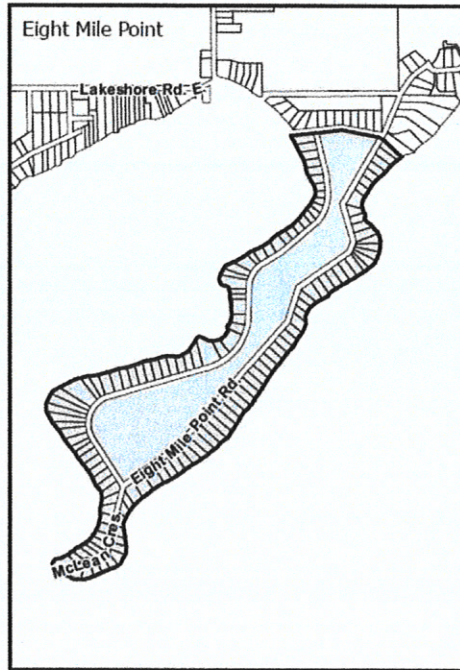
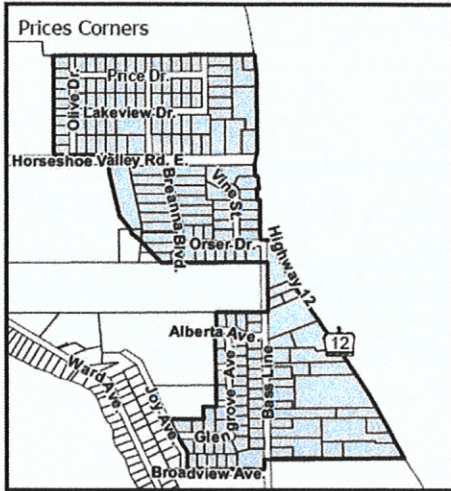
Settlement Areas



Schedule "C"

to By-law No. 2018-045 for  
The Corporation of the Township of Oro-Medonte

Settlement Areas-Continued



## Schedule "D"

### to By-law No. 2018-045 for The Corporation of the Township of Oro-Medonte

#### Permitting Areas

All highways under the jurisdiction of the Township of Oro-Medonte within the following boundaries:

<b>Northern Boundary</b>	Moonstone Road East from Highway 400 to Highway 12 Stage Coach Road from Highway 12 to Anderson Line Foxmead Road from Anderson Line to Town Line
<b>Eastern Boundary</b>	Townline from Highway 12 through till Moonstone Road East Line 15 North from Hwy 12 to Highway 11 Woodland Drive to Lake Simcoe
<b>Southern Boundary</b>	Lake Simcoe from Line 4 South to Moon Point Road
<b>Western Boundary</b>	Line 4 South from Lake Simcoe to Highway 11 Line 4 North from Highway 11 to 15/16 Sideroad Line 5 North from 15/16 Sideroad to Bass Lake Sideroad Line 10 North from Bass Lake Sideroad to Horseshoe Valley Road Line 9 North from Horseshoe Valley Road to Moonstone Road

