

# **The Corporation of the City of Kawartha Lakes**

## **Committee of the Whole Report**

**Report Number PRC2019-003**

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**Date:** March 19, 2019

**Time:** 2:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:** All

**Subject:** Consolidated Trails By-Law 2007-107 Review

**Author Name and Title:** Jenn Johnson,  
Manager, Parks, Recreation and Culture

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### **Recommendation(s):**

**RESOLVED THAT** Report PRC2018-004, **Consolidated Trails By-Law 2007-107 Review**, be received, and;

**THAT** the attached By-Law to amend By-Law 2007-107 being a by-law to regulate and govern trail uses along the Victoria Rail Trail Corridor in the City of Kawartha Lakes be approved and adopted by Council.

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

At the Council Meeting of June 23, 2015, Council adopted the following resolution:

**Resolved That the June 10, 2015 correspondence from Steven Del Duca, Minister of Transportation, regarding Off-Road Vehicle Use in Ontario, be received; and,**

**That the matter be referred to staff for review with a report to Council.**

**CARRIED CR2015-694**

At the Council Meeting of February 13, 2018, Council adopted the following resolution:

**Resolved That Report PRC2018-004, Consolidated Trails By-Law 2007-107 Review, be received; and,**

**That the Consolidated Trails By-Law 2007-107 Review be referred back to staff for consultation with affected stakeholders and user groups.**

**CARRIED CR2018-076**

This report addresses that direction.

## **Rationale:**

The correspondence received from Minister Del Duca announced the existing on-road access rules for 'single-rider' ATVs will be extended to additional ORV types which meet specified voluntary off-highway industry standards (see Appendix A). These changes took effect on July 1, 2015, and allow two-up all-terrain vehicles (ATVs), recreational off-highway vehicles (ROVs) and utility terrain vehicles (UTVs) on permitted provincial highways and municipal roads where bylaws permit their use. Minister Del Duca encouraged municipalities to review existing bylaws to ensure they applied to these new ROV types.

Staff, at the request of Council and community members, has considered the possibility of extending the access to the Victoria Rail Trail Corridor (VRTC).

Many Ontario municipalities have approved the use of side by side ROVs on the same roadways and trails as ATVs are permitted. For example, Haliburton County, Trent Lakes, Ramara Township and the Township of North Kawartha permit the use of ROVs on roads and trails. The sales of side by side machines are quickly surpassing the sales of ATVs.

The size of side by side ROVs varies and can be as wide as a small car or truck. These machines are generally wider than most ATVs. Side by side ROVs are avoiding the current gate system and gaining access to the VRTC and Somerville Forest Tract. In most cases, the driver is unaware that the use of side by sides is prohibited on the VRTC and in the forest.

Currently, By-Law 2007-107, A By-Law to Regulate and Govern Trail Uses Along the Victoria Rail Trail Corridor (VRTC) in the City of Kawartha Lakes indicates that no person shall operate a motorized vehicle on the trail except for snowmobiles or all-terrain vehicles, subject to certain conditions. Staff are recommending that a pilot project be initiated for 2019 that allows the use of ROVs along the VRTC north of the Superior Road trail head. The pilot program would be in effect for seven (7) months (May 1 – November 30, 2019). Access to the Somerville Forest Tract would also be included in the pilot program.

Consultation with the Kawartha ATV Association (KATVA), Somerville Forest User Group, MLEO and other appropriate parties have taken place and will continue on the topics of financial investment, infrastructure, enforcement, and education.

The proposed changes are outlined in the attached amended By-Law (see Appendix B). The recommended changes will require replacement of key gate locations along the trail and within the forest tract. Approximately 6 gates will need to be altered to allow the wider ROVs (maximum 64") but prevent cars/trucks from entering the area. It is being recommended that the other gates along the trail would remain open for the pilot project, similar to the model used during the snowmobile season. This model would be monitored during the pilot period to identify any concerns from a safety and maintenance perspective. KATVA has offered to cover the cost of the required gate alterations.

Education about permitted areas of use will need to be communicated to the public. Staff, along with members of the Somerville Forest User Group, will develop signage, informative promotional material, and an enhanced trail map (brochure and electronic). KATVA has offered to cover the cost associated with the production and installation of the trail and forest signage.

Enforcement of By-Law will remain status quo. MLEO and OPP support will be present when resources are available. This is an area that will require further investigation during the pilot period. It is anticipated that an increase in support from MLEO and/or OPP will be required. It should be recognized that KATVA volunteers patrol the trail providing information and guidance to the trail users. Although these volunteers cannot fully enforce the By-Law their presence acts as a deterrent to poor behavior which helps to keep the trail safe.

Parks, Recreation and Culture staff are not recommending the use of ROVs on municipal roadways, with the exception to the road crossings along the VRTC and within the forest tract . Review of By-Law 2009 – 116, A By-Law to Regulate

the Operation of All-Terrain Vehicles on Municipal Highways in the City of Kawartha Lakes, by Public Works, would be required to permit this use.

The pilot program will be reviewed and evaluated early in 2020. Staff will prepare a report detailing the success and improvement areas of the pilot program in 2020. The review of By-Law 2009-116 could occur after the pilot period with recommendations also being presented in 2020.

### **Other Alternatives Considered:**

Council could choose to prohibit the use of ROVs along the entire VRTC. Staff are not recommending that option as there is a significant desire in the community to allow access on the trail and within the forest tract. It is felt that a test to evaluate this use along a small section of trail in 2019 will provide the preliminary analysis needed to inform future decisions regarding permitted use.

### **Financial/Operation Impacts:**

The financial impact to the municipal operating budget as a result of the pilot program is minimal. Adjustments will need to be made to the gate system along the northern section of the VRTC and within the forest tract in order to allow the larger ROV units to pass through. Staff feel that these temporary adjustments can be made at a reasonable cost. Further to that, KATVA has indicated that the community group would cover the cost of any/all expenses related to the gate adjustment.

Another small expense (less than \$500) will be needed to cover the cost of communicating the change to the public. Municipal staff will prepare information and release through social media, media advisories and other printed material.

### **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

This report addresses Goal 1 of the City's Strategic Plan.

- Goal 1 – A Vibrant and Growing Economy

Through this action the City is working in partnership with the local community to build a stronger more diversified economy.

### **Review of Accessibility Implications of Any Development or Policy:**

N/A

### **Servicing Implications:**

N/A

## **Consultations:**

Central Parks and Open Spaces, Supervisor

MLEO, Manager

KATVA Executive

Somerville Forest User Group

CKL Clerk's Office

CKL Public Works Department

## **Attachments:**

Appendix A – Correspondence from Minister Del Duca, dated June 10, 2015  
Brief Description



Del Duca  
Correspondence

Appendix B – Regulate and Govern Trail Uses Along the Victoria Rail Trail  
Corridor (VRTC) Amending By-Law



2019-AmendByLaw2  
007-107TrailsByLaw

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**Department Head: Craig Shanks**