



Committee of the Whole Report

Report Number RD2020-008

Meeting Date: October 6, 2020

Title: Off Road Vehicle Use of Municipal Roads

Description: Review of legislated changes and recommendations

Ward Number: All

Author and Title: David Lembke, Manager of Roads Operations

Recommendation(s):

That Report RD2020-008, **Off Road Vehicle Use of Municipal Roads**, be received;

That ORV and ATV use on Municipal Highways in the City of Kawartha Lakes be reviewed in conjunction with the Trails Master Plan in 2021;

That the amendments to Section 2.07 and Section 4.01 of By-Law 2019-077, being a By-Law to Regulate the Operation of ATV's and ORV's on Municipal Highways, outlined in Appendix A be approved;

That the necessary By-Law to amend By-Law 2019-077 be forwarded to Council for approval; and

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:

This report addresses upcoming legislative changes.

Historically, legislation prevented off road vehicles from using municipal roads unless the municipality grants specific permission. The City of Kawartha Lakes passed By-Law 2009-116, amended in 2019 to By-Law 2019-077 to address this need and designate roads appropriate for use of off road vehicles.

On August 20, 2020. Staff provided Council a presentation in regards to the proposed changes in legislation. Council adopted the following resolution:

“That the presentation by David Lembke, Public Works Roads Manager West A, **regarding Off Road Vehicle Use on Municipal Roads**, be received.”

The recently passed Bill 107 – Getting Ontario Moving Act makes changes to the *Highway Traffic Act* permitting off road vehicles on all municipal roads. It will be up to municipalities to impose restrictions via By-Law where deemed necessary instead of granting permission were deemed appropriate.

The province in *Ontario Regulation 316/03: Operation of Off Road Vehicles on Highways* has expanded the type of Off-road vehicles (ORV's) permitted on the roads, allowing Extreme Terrain Vehicles (XTV's) as well as Off-Road Motorcycles (ORM's) on the shoulder of public roads, where permitted.

The legislative changes only affect roads under the jurisdiction of the Municipality, and does not affect roads and Highways under the jurisdiction of the Province of Ontario.

In addition to the legislative changes, in January 2020, the City received correspondence from the Township of Cavan Monaghan (Appendix B), regarding the use of ORV's on boundary roads. Staff presented a report to Council on August 20, 2020 in regards to this correspondence. Council adopted the following resolution:

“That Council supports the request from the Township of Cavan Monaghan to allow the use of ATV's on designated sections of Dranoel Road and Glamorgan Road based on a one-year pilot project for the 2020-2021 season; and

That if chosen as the final route by the Township of Cavan Monaghan, that By-law 2019-077 be amended and brought forward to Council for adoption.”

On September 23, 2020, the City of Kawartha Lakes received correspondence from the Township of Cavan Monaghan in response to the City's resolution above (Appendix C). The Township of Cavan Monaghan resolved:

“That Council direct Staff to draft a by-law to prohibit ORV’s on any municipally owned property including, but not limited to roads, highways, unopened road allowances, trails and parks in the Township of Cavan Monaghan; and

That Staff be directed to report back during the ORV consultation period on the County of Peterborough’s Transportation Master Plan for further discussion.”

This report addresses both the legislated changes and the communication from the Township of Cavan Monaghan.

Rationale:

With the amendments to the *Highway Traffic Act*, effective January 1, 2020, it permits off road vehicles usage on all municipal roads, unless a municipality creates a By-Law to restrict this. The City of Kawartha Lakes currently has such a By-Law. Schedule A of By-Law 2019-077, lists the roads within the City where ORV usage is permitted, but usage is restricted otherwise.

With the exception of the resolution above, Staff are recommending that the use of ORV’s on Municipal Roads remain status quo until the review of the Trails Master Plan in 2021.

With the September 23, 2020 correspondence from the Township of Cavan Monaghan, it appears the piloted use of our boundary roads will not proceed. They have deferred further review of the use of off road vehicles to the consultation period of the County of Peterborough’s Transportation Master Plan. Staff recommend allowing that program to follow its course.

Staff are recommending some administrative updates to the current By-Law 2019-077 as attached to this report as Appendix A. The amendments include further clarification around use of a helmet and refining the speed limits with respect to ATV/ORV use on municipal highways. The amendments to not impact current permissible roads use.

Other Alternatives Considered:

There are no recommended alternatives at this time.

Council could choose to allow traffic on all roads per the legislative changes or they could choose to restrict usage approved in the current By-Law. At this time, Staff are not recommending any changes. Including a review of off road vehicle use on municipal roads as part of the Trails Master Plan update will allow for proper public consultation and review.

Financial/Operation Impacts:

No financial impacts at this time resulting from the recommendations in this report.

Relationship of Recommendation(s) To The 2020 - 2023 Strategic Plan:

The recommendations set out in this Report would support the following priorities in the Strategic Plan, being:

A Vibrant and Growing Economy

- By creating the trail link in the future, it would enhance tourism and increase the visitor spend in Kawartha Lakes.
- The link will also allow Kawartha Lakes to show case features that can only be found here.

An Exceptional Quality of Life

- An increase to the trail system will promote personal wellness of the residents of Kawartha Lakes.
- The link will promote access to additional transportation networks.
- Ensures recreation and leisure programs are available to all residents.

A Healthy Environment

- With the creation of the link, it will allow users to travel on an approved road surface. In turn, this will help to protect and preserve our natural areas and prime agricultural lands which are currently used now.
- The approved route will aid in the protection of our native flora and fauna, which otherwise may accidentally be damaged unknowingly by the user in an attempt to find an unapproved link.

Consultations:

Director of Public Works
Manager, Parks and Recreation

Attachments:

Appendix A – By-Law 2019-077 Draft Amendments



2019-077 To
Regulate the Opera'

Appendix B – Correspondence from the Township of Cavan Monaghan. Request for Consideration



Correspondence -
Cavan Monaghan - 1

Appendix C – Correspondence from the Township of Cavan Monaghan.
Resolution not to proceed with the use of the boundary road



Cavan Monaghan
ATV Use Resolution.

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