



Committee of the Whole Report

Report Number: PW2021-002
Meeting Date: May 4, 2021
Title: Off Road Vehicle Task Force Recommendations
Description: Update on the Off Road Vehicle activities and recommendations to Council
Author and Title: Bryan Robinson, Director of Public Works

Recommendation(s):

That Report PW2021-002, Off Road Vehicle Task Force Recommendations, be received;
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:

An Off Road Vehicle (ORV) is defined in City By-Law 2019-077 in alignment with the Off-Road Vehicles Act, R.S.O. 1990 Chapter O.4 as a vehicle propelled or driven otherwise than by muscular power or wind and designed to travel,

- (a) on not more than three wheels, or
- (b) on more than three wheels and being of a prescribed class of vehicle; (“véhicule tout-terrain”)

The Province of Ontario clarifies that some ORVs can travel along certain provincial highways and on municipal roads, if the municipality has a bylaw permitting on-road ORV use. ORVs which can be permitted include: All Terrain Vehicles (ATV), Two-Up ATVs, Utility Terrain Vehicles (UTV – ex. John Deere Gator), Recreational Off Highway Vehicles (ROV – Ex. Side-by-side, dune buggy), XTV (ARGO), and Off Road Motorcycles (ORM). With the exception of ORMs and XTVs, ORVs must have a compliance label certifying it to one of the standards listed in s.10 of Ontario Regulation 316/03.

Of note: XTVs and ORMs are only permitted on municipal road if a by-law is passed after July 1, 2020. By-laws created before this date that permitted off-road vehicles on-road do not apply to these additional vehicle types.

An All Terrain Vehicle (ATV) is defined in Section 1 of the Ontario Regulation 316/03 as an off-road vehicle (ORV) 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 face forward behind the driver; and is equipped with foot rests for the passenger that are separate from the foot rests for the driver

The City of Kawartha Lakes passed By-Law 2009-116, amended in 2019 to By-Law 2019-077 to address this need and to designate desired roads for use.

There is growing interest from local associations and the public to enhance recreational opportunities and tourism. In addition to local interest, there is growing provincial interest in enhancing tourism. Bill 107 – Getting Ontario Moving Act is intended to make changes to the *Highway Traffic Act* permitting designated types of off road vehicles on identified municipal roads. Those 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.

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.”

In addition, in January 2020, the City received correspondence from the Township of Cavan Monaghan, 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. 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.”

The Resolution adopted by the Township above aligns with Staff's original recommendation as part of report RD2020-008. At the Council Meeting of October 20, 2020, Staff provided the following recommendations within report RD2020-008:

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.

However, after discussion and deliberation during the Council Meeting of October 20, 2020, Council opted to pass the following resolution:

CR2020-321

Moved By Councillor Richardson

Seconded By Councillor Seymour-Fagan

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 to Report RD2020-008, be approved;

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

That Staff present Terms of Reference for a Task Force dedicated to the review of off road vehicle use of municipal road to Council for consideration by the end of Q4, 2020; and

That the Task Force dedicated to the review of off road vehicle use of municipal roads report back to Council on or before the March, 2021 Committee of the

Whole Meeting with a list of potential roads, streets and trails to be used by off road vehicles.

Carried

Staff responded to this resolution and at the Council Meeting of December 12, 2020 with Report RD2020-012 where Council adopted the following resolution:

CR2020-457

Moved By Deputy Mayor O'Reilly

Seconded By Councillor Yeo

That Report RD2020-012, **Task Force – Off Road Vehicle Use of Municipal Roads**, be received;

That the Terms of Reference in Appendix A to Report RD2020-012 be approved by Council;

That Councillors Richardson, Dunn and Seymour-Fagan be appointed to the Task Force; and

That Staff be authorized to proceed with recruitment of task force members.

Carried

A copy of the approved Terms of Reference are attached to this report as Appendix A.

Public members for the Task Force were selected by the appointed Council representatives via interview and approved by Council on January 28, 2021.

Throughout the first quarter of 2021, the task force held several public meetings and working group sessions to explore use of roads by off ORVs. Public Task Force Meetings were held on February 5, 2021, February 19, 2021, March 4, 2021 and April 19, 2021. In addition, the Task Force scheduled an open invitation public meeting and heard 24 deputations from interested parties on March 19, 2021.

Agendas and minutes of those meetings are available by visiting [Jump In Kawartha Lakes \(www.jumpinkawarthalakes.ca\)](http://www.jumpinkawarthalakes.ca).

This report is intended to provide an update to Council on the Task Force activities and recommendations.

Rationale:

This Task Force has experienced excellent engagement from the public. Communication and correspondence has been received by the Task Force via email, deputation during the public meeting and survey. All of this correspondence is available in the following Appendices:

Appendix C – Resident Correspondence to the Task Force

Appendix D – Questions posed during the March 19, 2021 public meeting

Appendix E – Questions asked on the Jump In Page

Throughout the public meetings and working sessions, the Task Force members formulated recommendations for Council consideration. Those recommendations were moved and passed by the Task Force on March 19, 2021 and the recommendations were made available to the public for feedback.

The Task Force chose to issue a public survey to gain input on their recommendations for use of municipal roads by ORVs. The survey was open to the public from March 19, 2021 thru to April 19, 2021. A total of 2072 surveys were completed and submitted. A summary of the survey results is presented in Appendix F to this report. The report shows a very clear separation, in that owners of ORVs are generally in favour of the recommendations and those who do not own ORV's are generally not in favour.

In addition, the Task Force reached out to several agencies for feedback on the topic and associated recommendations including the local Health Unit, various City Departments, the Police and the City's Insurance and Risk Management Division. Feedback from those agencies is attached as Appendix G to this report.

At the April 19, 2021 working group meeting, the Task Force members reviewed and considered potential amendments to their recommendations based on feedback received. The Task Force passed motion to amend the recommendations during the working group meeting and publicized at the Task Force meeting on the same day (April 19, 2021). A copy of the current Task Force recommendations is available in Appendix B for Council review and consideration.

Overall there is significant interest in this topic and in general the input and feedback from the public has been very well scripted and thought out.

Main themes coming in support of the task force recommendation include expansion of tourism and local positive economic impacts. It was also noted the current ongoing pandemic is driving growth in the use of recreational equipment.

Themes coming from those not in support include concerns regarding public safety, nuisance (noise, exhaust), concerns over capability and responsibility of enforcement, damage to property and environmental impact considerations.

Other Alternatives Considered:

Alternative 1

Council could opt to adopt the Task Force recommendations as proposed. This would open the majority of roads to ATV and Side-by-side use. Staff would be tasked with determining which roads pose a safety concern where such use should not be permitted and assessing fiscal impacts of increased maintenance / repair costs (if any). In communication with the Director of Engineering and Corporate Assets, Staff are not aware of established criteria for evaluating safety of ORV use of roads and associated interaction with traditional traffic at this time.

Alternative 2

Council could opt to defer the review of the use of ORV and ATV vehicles to the Trails Master Plan and the Transportation Master Plan as originally recommended by Staff.

Alternative 3

Council could opt to refer the recommendations back to the Task Force for additional review and considerations.

Alternative 4

Phase in some or all for the recommendations from the Task Force. This could involve piloting rural road use only or authorizing the connection within Lindsay only.

Alternative 5

Council could opt to restrict ORV use on Arterial and Collector roads and/or all roads with hard surface (with the exception of designated routes) to align with manufacturer recommendation on vehicle use.

Alignment to Strategic Priorities

The topic for consideration in this report touches all four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan as follows:

1. A Healthy Environment
 - a. The City has an obligation to implement change in an environmentally responsible way. Concerns over impacts have been raised (noise, emissions, chasing away animals) have been raised.
2. An Exceptional Quality of Life
 - a. Careful and strategic permission of use of roads can have positive impact on the quality of life. It can expand tourism and promote enhanced quality of life for those that take part in the activity. However, concern has been raised that this initiative could also negatively impact the quality of life due to noise.
3. A Vibrant and Growing Economy
 - a. There is potential for increased tourism from expanding the capability for the public to access local restaurants and accommodation.
4. Good Government
 - a. It is the responsibility of municipal government to ensure all criteria and input when making policy decision. This report provides clarity on the process to date for Council consideration on the matter.

Financial/Operation Impacts:

There are no fiscal implications based on the recommendations as written.

Consultations:

Director of Engineering and Corporate Assets
Manager of Parks and Recreation
Insurance Risk Management Coordinator

Attachments:

Appendix A – Task Force Terms of Reference



Appendix A - Off
Road Vehicle Use of C

Appendix B – Task Force Recommendations



Appendix B - ORV
Task Force Recommen

Appendix C – Resident correspondence to the Task Force



Appendix C -
Resident Correspond

Appendix D – Questions posed during the March 19, 2021 public meeting



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Questions asked durir

Appendix E – Questions posed from Jump In page



Appendix E -
Questions asked on th

Appendix F – Summary of survey results and questions



Appendix F - Off
Road Vehicle Task Fo

Appendix G – Correspondence from Boards and Agencies



Appendix G -
Correspondence from

Appendix H – By-Law 2019-077 – Regulation of Operation of ORV



Appendix H -
2019-077 Consolidat

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Department Head: Bryan Robinson, Director of Public Works

Department File: C06-21 ATV Task Force