



Date: 2020-11-18

From: Clerk, Brittany Drury

Subject Off-Road Vehicles By-law

Report LEG2020-23

Recommendation

That Committee of the Whole hereby approves repealing and replacing By-law 27-2016, and

That the draft Off-Road Vehicles by-law, appended to this report, be presented for enactment at the November 25, 2020 Council meeting.

Background

At their meeting on October 7, 2020, Council adopted resolution number RES2020-284, to amend By-law 27-2016 to prohibit the use of off-road vehicles in specific location throughout the Township, subject to approval of Council. Further, by the same resolution, Council directed that the Curly Harnden Side Trail and Len Holley Side Trail be classified as prohibited to the use of off-road vehicles, and that said prohibitions be included in the amended version of By-law 27-2016.

Analysis

Staff have reviewed the existing By-law 27-2016 (Appendix B), and are proposing to repeal and replace said by-law, rather than amend it. Due to changes in Provincial legislation, staff feel as though repealing and replacing the document would add clarity to ATV use throughout the Township, while ensuring compliance with said legislative changes.

Staff have drafted a new by-law for consideration of Committee, which is appended to this report as Appendix A. This by-law proposes to permit the use of off-road vehicles

on highways under the jurisdiction of the Township of Georgian Bluffs, in accordance with Provincial legislation, and on “Designated Trail Routes” which have been approved by Council in coordination with a “Recognized Agency”. The by-law defines the following as:

“Designated Trail Route” means a trail that has been approved by Council and designated by agreement or memorandum of understanding with a recognized agency.

“Recognized Agency” means the South Bruce Peninsula ATV Club, the Ontario Federation of All-Terrain Vehicle Clubs, and any other agency that Council deems to be recognized by the Township.

By inclusion of this structure, Council will have the opportunity to review and approve all trail systems and applicable agencies prior to establishing new off-road vehicle use within the Township. It is staff’s intention to use this program to review all proposed trail routes and ensure compliance with applicable policies prior to said trails earning “Designated Trail Route” status. Further, this will ensure trail routes are not established on Niagara Escarpment Commission (NEC) lands, as off-road vehicle use in said lands is prohibited by the existing Niagara Escarpment Plan.

Section 2.3 further limits the use of off-road vehicles:

Unless such lands form part of a Designated Trail Route approved and maintained by a Recognized Agency, no person shall operate an off-road vehicle on or over the following areas:

- a) Upon any sidewalk, footpath or boulevard within the Township,
- b) Any municipal property in the Township without the consent of the Township, including but not limited to parks, playgrounds or sports fields,
- c) In any settlement area except as means of direct access to the designated trails routes,
- d) Any privately owned property without the consent of the property owner.

Further, as directed by Council, Section 2.4 grants Council the authority to prohibit use of off-road vehicles on a highway or Designated Trail Route or portions thereof, as set out in Schedule ‘A’ to the proposed by-law. To date, the Curly Harnden Side Trail and Len Holley Side Trail are the only existing prohibited areas included in Schedule ‘A’.

Part two of the proposed by-law establishes limitations of off-road vehicle use throughout the Township, as outlined above. Such regulations include:

- Speed restrictions, as defined by Ontario Regulation 316/03 of the *Highway Traffic Act, 1990*, as amended and the *Off Roads Vehicle Act, 1990*,
- Time of day restrictions, proposing to prohibit off-road vehicle use during the period of 11:00 p.m. through to 7:00 a.m.
- Method of use, prioritizing respect of the natural environment
- Parking restrictions

All regulations and prohibitions are subject to proposed fines of \$250.00, as established by Schedule 'B' of the appended by-law. Said fines are subject to approval by the Chief Justice prior to enactment.

South Bruce Peninsula ATV Club Agreement

Enacted by By-law 2019-046 (Appendix C) at their meeting on May 8, 2019, Council is currently under agreement with the South Bruce Peninsula ATV Club for recreational use of ATVs on the lands referred to as the South Bruce Peninsula ATV Club Trail. This agreement will remain in place until December 31, 2023.

The proposed by-law recognizes the South Bruce Peninsula ATV Club as a recognized agency, and by virtue of agreement, further recognizes the South Bruce Peninsula ATV Club Trail as a designated trail route. Currently, a small portion of the existing trail, in Ben Allen, as depicted in Appendix D, runs through the NEC.

Next Steps

Subject to Committee approval, staff intend to present the draft by-law for enactment at the November 25, 2020 Council meeting.

As resolved by Council, staff will continue to work with local ATV groups to educate the public on allowable ATV trails and safe ATV use etiquette. This education will largely be facilitated by the Township's relationship with the South Bruce ATV Club.

Financial Impact

Enactment of the proposed Off-Road Vehicles By-law will have no financial impact to the Township.

Strategic Priorities

Approval of the recommendation as included in this report achieves the 5th Strategic Goal, Deliver Effective and Cost-Efficient Services, as defined in the 2020-2024 Strategic Plan.

Conclusion

Staff have created and appended a new Off-Road Vehicles by-law to this report for Committee's consideration. Staff recommend repealing and replacing the existing By-law 27-2016 and enactment of the newly created version. Enactment of the proposed by-law will clarify off-road vehicle use throughout the Township, while ensuring compliance with Provincial regulations.

Appendix A – Draft Off-Road Vehicles By-law

Appendix B – By-law 27-2016

Appendix C - South Bruce Peninsula ATV Club Agreement

Appendix D - Ben Allen Trail Portion

Respectfully Submitted: Brittany Drury, Clerk

Report Approval Details

Document Title:	LEG2020-23 - Off-Road Vehicles By-law.docx
Attachments:	<ul style="list-style-type: none">- By-law 2020-XX - ATVs.pdf- 27-2016 ATV By-law.pdf- Appendix D - NEP portion of the Georgian Rail Trail Route as travelled by SBPATV Club.docx- 2019-046 - Agreement with South Bruce Peninsula ATV Club.pdf- SBP ATV Club Trail Map.png
Final Approval Date:	Nov 12, 2020

This report and all of its attachments were approved and signed as outlined below:

Kassandra Rocca, Interim CAO / Director of Finance / Treasurer