

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. LS-2023-0009

**FOR THE CONSIDERATION OF
COUNCIL**

July 12, 2023

**SUBJECT: UPDATE ON OFF-ROAD VEHICLES ON TOWN OF GEORGINA
HIGHWAYS**

1. RECOMMENDATION:

1. That Council receive Report No. CAO-2023-0009 prepared by the Municipal Law Enforcement Division, Legislative Services Department dated July 12, 2023 respecting an update from the working group which was formed to investigate the permissibility of off-road vehicles on Town of Georgina highways.
2. That Council authorize a public consultation process concerning the permissibility of off-road vehicles on Town of Georgina Highways.
3. That staff be directed to report on the results of the public consultation process and provide updated options and recommendations concerning the possible permissibility of Off-Road Vehicles on Town of Georgina Highways.

2. PURPOSE:

This report has been prepared in order to seek Council's direction in regards to the operation of off-road vehicles on Town of Georgina highways.

3. BACKGROUND:

On January 22, 2020 Council received a briefing note in regards to off-road vehicles (ORVs). In response, Council passed Resolution No. C-2020-0030 directing staff to attend the Georgina Trails and Active Transportation Advisory Committee, the Safe Streets Committee, and the Economic Development Committee to discuss the matter. Staff were also requested to contact Georgina Trail Riders Association, the Ontario Federation of Anglers and Hunters, and the Ontario Federation of All Terrain Vehicle Clubs.

After attending the Committee Meetings, staff reported their findings back to Council by way of a briefing note on January 27th, 2021. Council received the briefing note and passed Resolution No. C-2021-0023 directing staff to invite York Regional Police to a Council Meeting to share statistics on ORV enforcement within the Town of Georgina.

On February 16th, 2022, Sgt Hoyt Miller from York Regional Police provided a presentation to Council regarding ORV enforcement statistics. Council received the presentation and passed Resolution No. C-2022-0053 directing staff to form a working group to investigate issues surrounding the use of ORVs in the Town of Georgina.

As the Town of Georgina is not listed in Ontario Regulation 8/03 under the *Highway Traffic Act*, ORVs are not permitted to operate on Town roads. To permit ORVs on Town roadways, a by-law providing for such permission would have to be enacted by Council.

4. ANALYSIS:

Led by the Municipal Law Enforcement Division, the working group met on several dates in early 2023. The group was made up from staff in the Community Services Department, the Operations Department, the Legislative Services Department, Fire and Rescue Services, and York Regional Police.

The general consensus of the group was that staff were open to the idea of the permissibility of ORVs on Town of Georgina roadways. Initial suggestions are to permit them to operate on Town roadways only within the Waterfront Park Buffer Zone as defined in the Town's Traffic and Parking By-law 2002-0046 (TR-1), as amended. Consultations will need to be held with York Region Public Works staff. If the Town enacts a by-law permitting ORVs on Town roadways, it is not effective on Regional roads. ORVs will only be permitted to cross Regional roads. The Region will have to enact a by-law to permit ORVs on Regional roads if they want to permit full usage of ORVs on their roadways. A Town or Regional ORV By-law may have implications for York Regional Forests, and their staff will also need to be consulted.

The working group contacted some police agencies outside of York Region on whose roadways ORVs are currently permitted to operate. These local municipalities, all of which are close to Georgina, reported very few accidents involving ORVs. Of the three municipalities that were contacted, each reported between 0-3 accidents each year involving ORVs. The Town's Fire and Rescue Services remain neutral on the permissibility of ORVs on Town roadways and do not expect an increase in accidents. York Regional Police have the equipment and resources to enforce an ORV by-law.

The Community Services Department has ongoing concerns about ORVs entering into Town parks and causing damage. It is a select few that cause damage, and staff anticipate that by allowing ORVs to legally operate on our roadways, it may encourage ORV operators to stay out of the parks because now they will have the legal ability to operate their vehicles on the roadways.

As per Town of Georgina Parks By-law No. 2003-0071 (PUT-1), unless approved by the Director, ORVs are not permitted in Town parks. Currently, there are approved

trails through the waterfront parks at North Gwillimbury Park, Willow Beach, De La Salle Park, and Holmes Point Park from the parking lot to the shoreline during the winter months. If ORVs are permitted on Town roadways, trails may need to be added through other waterfront parks to access the ice in the winter. As part of the review process, staff will be looking at the existing trails through parks and their suitability, while examining the opportunity to add trails in other locations. Designated trails will have to be properly identified for ORV users and the general public.

Preventing ORVs from entering our parks, including keeping them off of approved trails, has been a challenge for the Municipal Law Enforcement Division. Officers have increased patrols of parks to discourage ORV users from entering them, but illegal activity occurs when officers leave the area. By the time officers are dispatched to parks because of ORV activity, the ORV users have typically left the area. York Regional Police have also increased patrols in areas that see a lot of illegal ORV use.

The Operations & Infrastructure Department anticipates extra costs for a variety of initiatives related to the use of ORVs on Town roadways, including, but not limited to:

- Installation of designated entrances/exits to trails and/or shorelines, including installation of gates;
- Installation and maintenance of ditches and culverts;
- Training for patrol staff;
- Additional maintenance for road deficiencies;
- Installation of signage.

If a by-law to permit ORVs on Town roadways is enacted by Council, these additional costs will have to be taken into consideration during the budget process. The Operations Department has already found damage related to ORVs on Town roadways, and it is expected that such damage will increase if ORVs are permitted to operate legally on the roadways.

Within the Legislative Services Division, the Clerks Division has enquired with the Town's insurance provider in regards to ORVs being used on Town roadways. The insurance provider advised that there is no direct correlation between permitting ORVs on roadways and insurance premiums; however, the Town was warned that there may be a significant amount of risk involved.

The Municipal Law Enforcement (MLE) Division remains neutral as to whether or not ORVs should be permitted on Town roadways. The MLE Division typically receives approximately 10 complaints each year about ORVs operating illegally, but to obtain a better indication of the general sentiment within the community, staff recognize the importance of collecting public input before proceeding further.

The MLE Division currently enforces the Parks By-law, which prohibits motorized vehicles on Town lands, beaches, waterfronts, trails, etc. As indicated earlier in this report, there are significant challenges to enforcing this By-law. If a by-law is enacted by Council to permit ORVs on Town roadways, it would be enforced by York Regional Police and the MLE Division would continue to enforce the Town's Parks By-law on Town-owned properties.

When considering the permissibility of ORVs on Town roadways, the following should be taken into account:

- There are several different defined types of ORVs, including All-Terrain Vehicles (ATVs), Side-by-Sides, Extreme Terrain Vehicles, and Off-Road Motorcycles;
- Users must be at least 16 years old;
- Users must hold at least a valid G2 or M2 licence;
- Users and passengers (when permitted) must wear approved motorcycle helmets;
- Users must wear a seatbelt where provided;
- Users must travel at speeds less than the posted speed limit;
- Speed limits must be set to no more than 20 km/h on roads with a posted speed limit of 50 km/h or less;
- Speed limits must be set to no more than 50 km/h on roads with a posted speed limit greater than 50 km/h;
- Municipalities may set lower speed limits;
- Users must travel only on the shoulder, and where unavailable, on the right-most portion of roadway;
- ORVs must be driven in the same direction as traffic;
- Users must carry the ORV's registration permit;
- The number of occupants in an ORV is limited to the number of available seating positions;
- No passengers are permitted under the age of 8 and further restrictions may apply to young and novice drivers;
- All ORVs must be registered, plated, and insured;
- In most cases, ORVs must have headlights and taillights on at all times;
- There are provisions for size and weight and minimum safety standards for the different types of ORVs;
- There are regulations for environmental protection while using ORVs;
- Municipalities may set additional rules above and beyond the provincial regulations;
- Additional rules may include prescribing or prohibiting specific roadways for ORV use, and specific times or seasons that ORVs may be used on roadways.

5. RELATIONSHIP TO STRATEGIC PLAN:

Although the permissibility of ORVs on Town roadways is only being considered at this time, such use, if permitted, would contribute to 'Diversifying our Local Economy' through continued support of Georgina's tourism sector.

6. FINANCIAL AND BUDGETARY IMPACT:

Although there is indication that the permissibility of ORVs on Town roadways will have budget implications, at this time staff feel the impacts will be minimal.

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

There are no statutory notification or consultation requirements associated with this report, although public consultation should play a role in assisting staff and Council's decision-making process. If Council adopts the recommendations contained in this report, staff will begin to obtain public consultation in Q3 of this year, which will include hosting a public information centre, providing information on the Town's website, and seeking input through an on-line questionnaire. A report summarizing the results of the public consultation program with recommendations on this matter would be provided after the public consultation process is completed.

8. CONCLUSION:

This report was prepared as a result of Council's direction to staff to form a working group to explore the permissibility of ORVs on Town roadways. Various municipalities close to Georgina and around Lake Simcoe permit ORVs on their roadways. Before moving forward, staff recommend conducting public consultation to better understand the issues and opinions of residents concerning the permissibility of ORVs on Town roadways.

APPROVALS

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Recommended By: Mike Bigioni, Director, Legislative Services

Approved By: Ryan Cronsberry, Chief Administrative Officer