

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. LS-2024-0003

**FOR THE CONSIDERATION OF
COUNCIL**

January 17, 2024

SUBJECT: PROPOSED OFF-ROAD VEHICLE BY-LAW

1. RECOMMENDATION:

1. That Council receive Report No. LS-2024-0003 prepared by the Municipal Law Enforcement Division, Legislative Services dated January 17th, 2024 respecting a proposed Off-Road Vehicle By-law.
2. That Council enact the proposed Off-Road Vehicle By-law prepared by staff, which is before Council today.

2. PURPOSE:

This purpose of this report is to present a proposed Off-Road Vehicle By-law to Council.

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 the 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.

On July 12th, 2023 Council received Report No. LS-2023-0009 from the Municipal Law Enforcement Division and authorized a public consultation process. Council directed staff to report back on the results of the public consultation process with updated options and recommendations concerning the possible permissibility of ORVs on Town of Georgina highways.

On November 22nd, 2023 Council received Report No. LS-2023-0019 from the Municipal Law Enforcement Division presenting the results of the public consultation process and options for ORV use going forward. Council passed Resolution No. C-2023-0399 directing staff to “return with a By-law for the use of off-road vehicles on Town roads within the Waterfront Park Buffer Area during daylight hours as a pilot project from January 17, 2024 to April 15, 2024, said pilot project to include all types of off-road vehicles excluding dirt bikes and potentially including golf carts, subject to compliance with Provincial regulations, ensuring drivers are fully licensed, educated/trained and insured, and that a communication plan be put into place.”

Further, Council passed Resolution No. C-2023-0400 expanding the pilot project “to include the Ward 5 catchment area east of Park Road inside the boundaries of Park Road, Old Homestead Road, Weir's Sideroad, Ravenshoe Road, Lakeridge Road and Highway 48, from January 17, 2024 to April 15, 2024 for the purpose of crossing Highway 48 and accessing the waterfront park buffer zone to access the lake or rivers for ice fishing, excluding all Regional roads and Regional forests within said boundary area.”

4. ANALYSIS:

As a result of the resolutions passed by Council, staff have researched other ORV by-laws in other Ontario municipalities and put together a proposed by-law that will be unique to the Town of Georgina and serve the needs and desires of the community.

The proposed by-law will permit four types of ORVs on Town of Georgina highways within the Waterfront Park Buffer Zone and the Ward 5 Catchment Area. The four types of Off-Road Vehicles proposed in the By-law include:

- All Terrain Vehicles (ATVs);
- Extreme Terrain Vehicles (XTVs);
- Multi-Purpose Off-Highway Utility Vehicles (UTVs); and
- Recreational Off-Highway Vehicles (ROVs).

The proposed by-law prohibits the use of Off-Road Motorcycles, also known as dirt bikes, on Town highways. Resolution No. C-2023-0399 from the November 22nd, 2023 Council Meeting also indicated that the proposed by-law should potentially include golf carts; however, golf carts are not considered ORVs in Regulation 863 under the *Off-Road Vehicles Act*. The province has instituted a pilot project for golf carts to operate on highways through O. Reg. 407/21 under the *Highway Traffic Act*,

which applies to two specific municipalities. Staff recommend waiting until the completion of the provincial pilot project before further exploring the possibility of permitting the use of golf carts on highways in Georgina.

The Waterfront Park Buffer Zone was created in late 2020. It includes the entire shoreline area of Lake Simcoe and Town roads in lakeside neighbourhoods. A map of the Waterfront Park Buffer Zone can be found in Attachment 1. A list of all highways within the Buffer Zone can be found in Attachment 2.

The Ward 5 Catchment Area includes all highways under the jurisdiction of the Town within the boundaries of Park Rd, Old Homestead Rd, Weir's Sideroad, Ravenshoe Rd, Lakeridge Rd, and Highway 48. A map of the area comprising the Ward 5 Catchment Area can be found in Attachment 3.

The by-law proposes to permit ORVs on designated highways from two hours before sunrise until two hours after sunset from the date of enactment of the by-law until April 15th.

Although this by-law is considered a pilot project, it is proposed to remain in effect after the April 15th end date of the ice fishing season in order for officers to continue to enforce it. If the pilot project is successful, no further action will have to be taken. If the pilot project is not entirely successful, minor amendments can be made to the by-law that will enable officers to continue to enforce the prohibitions contained in it instead of solely relying on the police for ORV enforcement. If it is Council's desire, of course, the entire by-law may be repealed.

The proposed by-law prohibits ORVs from being operated on boulevards and sidewalks. The by-law will require operators to hold an Ontario Driver's Licence of Classes A, B, C, D, E, F, G, G2, M or M2 and to maintain liability insurance, consistent with provincial legislation. ORVs must be driven on the shoulder of the Highway in the same direction as the traffic using the same side of the highway. If there is no shoulder, the ORV may be driven on the roadway in the same direction as the traffic using the same side of the Highway.

Staff included in the by-law that all ORVs must meet the minimum requirements for equipment under sections 7 to 15 of O. Reg 316/03 made under the *Highway Traffic Act*, and must be operated in accordance with sections 16 to 24 of that Regulation. These sections of O. Reg 316/03 cover the following:

- The size requirements of ORVs;
- The weight requirements of ORVs;
- Tire types;
- Vehicle safety standards;
- Equipment configuration and performance requirements;
- Required safety equipment for different types of ORVs;
- Braking systems;

- Lighting systems;
- License plates;
- Insurance requirements;
- Driver's licence requirements;
- Helmets and seat belts;
- Passengers and age limits for passengers;
- Speed limits;
- Environmental protection; and
- The rules of the road.

5. RELATIONSHIP TO STRATEGIC PLAN:

Enacting the proposed by-law will contribute to the 'Diversifying our Local Economy' pillar in the Town's Strategic Plan through continued support of Georgina's tourism sector, especially within the Waterfront Park Buffer Zone.

6. FINANCIAL AND BUDGETARY IMPACT:

There will be minimal impacts to the operating budget of the Operations Department for additional maintenance to Town highways. There will also be minimal budget impacts for advertising the new by-law within the Town of Georgina to be absorbed by the Municipal Law Enforcement Division.

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

Staff previously collected public input through an online survey and public information centre hosted at the Civic Centre, the results of which were reported to Council in Report No. LS-2023-0019. There are no applicable legislative requirements for public notice.

8. CONCLUSION:

Under direction from Council, staff have prepared a proposed Off-Road Vehicle By-law. This report contains a recommendation to enact the proposed by-law, which is before Council today.

APPROVALS

Prepared By: Mike Hutchinson, Manager, Municipal Law Enforcement

Recommended By: Michael Bigioni, Director, Legislative Services

Approved By: Ryan Cronsberry, Chief Administrative Officer

Attachments:

Attachment 1 – Map of Waterfront Park Buffer Zone

Attachment 2 – Schedule XII of Traffic and Parking By-law No. 2023-0087 (TR-1)

Attachment 3 – Map of Ward 5 Catchment Area