

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. LS-2023-0019

**FOR THE CONSIDERATION OF
COUNCIL**

November 22, 2023

SUBJECT: OFF-ROAD VEHICLES PUBLIC CONSULTATION UPDATE

1. RECOMMENDATIONS:

1. That Council receive Report No. LS-2023-0019 prepared by the Municipal Law Enforcement Division, Legislative Services dated November 22nd, 2023 respecting an update on Off-Road Vehicles.
2. That Council direct staff to return with a By-law for a pilot project, if Council would like to continue to explore the use of Off-Road Vehicles on Town roads after reviewing the options contained within this report.

2. PURPOSE:

This report is presented to share the results of the public consultation process regarding Off-Road Vehicles and to seek Council's direction regarding the use of Off-Road Vehicles on Town roads.

3. BACKGROUND:

Although the activity has never been legal in Georgina, riding Off-Road Vehicles on public highways in the Town has been a tradition and hobby for many years. Most notably, local anglers and visitors enjoy riding Off-Road Vehicles in the winter months while Lake Simcoe is frozen. Users ride Off-Road Vehicles to access the ice from land in order to go ice fishing. For many, the activity is an opportunity to spend time with family and friends, while for others it is a way of life and a way to provide food for themselves and their families. Led by the Municipal Law Enforcement Division, staff have been looking at options that would formalize and legalize this long held tradition in Georgina so that Off-Road Vehicle users can participate in this activity without the consequences of breaking the law.

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.

4. ANALYSIS:

To begin the public consultation process, on September 11th, 2023, the Communications Division published an ORV survey that was available to be completed online by residents and interested parties. The survey was open for 12 days and closed on September 22nd at 4:30pm. The survey included multiple choice questions as well as open-ended questions. The following questions were included in the survey:

1. Where do you live?
2. Should Off-Road Vehicles be permitted to operate on Town of Georgina roadways?
3. Do you currently own or are you interested in owning an Off-Road Vehicle?
4. Which, if any, restrictions should be imposed if Off-Road Vehicles were permitted on Town roads?
5. Which, if any, types of Off-Road Vehicles should be permitted on Town roads?
6. For what purpose do you use an Off-Road Vehicle or plan on using one?
7. Do you have any concerns about Off-Road Vehicles being permitted on Town roads?
8. If you would like Off-Road Vehicles to be permitted on Town roads, why?
9. Which age category are you in?
10. Do you currently hold a valid driver's licence?

Survey participants also had the opportunity to provide additional comments. Full survey results can be viewed in Attachment 1, but highlights include:

- Over 90% of respondents indicated that they resided in the Town of Georgina, with the majority being from Keswick, followed by Sutton/Jackson's Point, Pefferlaw, hamlet areas, and the countryside areas.
- Approximately 72% of respondents indicated that they would like Off-Road Vehicles permitted in all parts of Town.
- Approximately 73% of respondents either currently own an Off-Road Vehicle or are interested in purchasing one.
- If Off-Road Vehicles are permitted on Town roads, approximately 30% of respondents feel that there should be restrictions on such use, including the areas of Town in which Off-Road Vehicles may be used, the time of day, etc.
- The most popular Off-Road Vehicle that respondents would like to use on Town roads are All-Terrain Vehicles (ATVs), followed by Recreational Off-highway Vehicles (Side-by-Sides), and Utility Terrain Vehicles (UTVs).
- Respondents that use Off-Road Vehicles mostly use them for recreational purposes, followed by trail riding and transportation for fishing.
- The age group that provided the greatest number of responses to the survey was from 31-40 years old.
- Most common concerns about Off-Road Vehicles on roadways include underage riders, lawlessness, general use of dirt bikes, the use of Off-Road Vehicles in subdivisions, and the safety of riders and other road users.

On September 20th, 2023, Municipal Law Enforcement staff hosted a public information centre in the Council Chambers of the Civic Centre. Staff hosted approximately 20 visitors, of which just over half supported the idea of permitting ORVs on Town roadways. Concerns from those against ORVs were safety and the behaviour of some riders that currently operate illegally and sometimes dangerously on Town roads. Staff were available to answer questions from the public and facilitate discussions with the group.

A recurring concern that staff heard during the public consultation process was about underage riders and their lack of regard for safety and the rules of the road. Members of the public feel that there is not enough enforcement for bad behavior of ORV users. Staff have heard reports from the public of dirt bikes weaving in and out of traffic on both Woodbine Ave and the Queensway South. Up until now, enforcement of the use of ORVs has been the responsibility of York Regional Police. If ORVs are permitted on Town roads, as in other municipalities, the majority of enforcement will continue to be conducted by the police. However, the Municipal Law Enforcement Division will also play a role in investigations and enforcement.

Similar to other motor vehicle traffic, if ORVs are permitted to operate on Town roadways, some users will not follow the rules of the road. There will be users that will speed and drive recklessly. This is behavior that can be corrected through enforcement. These users will not be caught every time they break the law, but enforcement can be strategized through the complaint process. Recent discussion with York Regional Police indicate that they have recently received numerous complaints about ORVs in the Simcoe Landing subdivision. The YRP Community

Oriented Response Unit responded to the concerns with increased enforcement in the area, which provided immediate results. Residents must report these incidents to ensure enforcement can be focused on problem behaviours. Whether residents are aware of it or not, enforcement is occurring, and Sgt. Miller shared that with Council at the Council Meeting of February 16th, 2022.

It is important to note that underage riders will not be permitted under any circumstances to operate legally on Town roadways without first obtaining their driver's licence. A minimum of a G2 or M2 is required. If Council decides to permit ORVs on Town roadways, provincial legislation requires that the ORV must display a numbered licence plate and be insured in accordance with the *Compulsory Automobile Insurance Act* and section 15 of the *Off-Road Vehicles Act*.

At this time, there are three options for Council to consider. The first option is to leave things the way that they are. ORVs will not be permitted on Town roads and residents that decide to use their ORVs on Town roads will risk being subjected to enforcement. Enforcement will continue to be mostly based on complaints received from the public and targeted towards behaviour requiring corrective action.

A second option is for Council to instruct staff to come back to Council with a by-law that will legalize the use of ORVs on all Town roads. Council could pick which types of Off-Road Vehicles they want to permit on Town roads. Council could also direct staff to restrict the time of day and/or the time of year that ORVs may be used on Town roads. Alternatively, Council could enact a by-law with no restrictions outside of the provincial requirements.

If Council decides to go with the second option, ORVs will be permitted on all Town roads in all neighbourhoods; however, there are certain subdivisions which are bordered by Regional Roads. The Region has indicated that there is no appetite at this time to permit ORVs on Regional Roads, so ORV users in these subdivisions will essentially be trapped in their neighbourhoods while riding their ORVs, without access to the rest of the municipality and nowhere to go if they follow the law. Enforcement under this option will be to correct unlawful activity -- for example, speeding, careless operation, not following the rules of the road, etc.

The third option, which is recommended by staff if Council desires to continue to explore the idea of permitting ORVs on Town roads, is for Council to run a pilot project. Under this option, ORVs would be permitted on Town roads within the Waterfront Park Buffer Zone, as defined by Parking and Traffic By-law No. 2002-0046 (TR-1), as amended. Staff recommend only permitting all-terrain vehicles (ATVs) on Town roads during the ice-fishing season and during daylight hours while the pilot project is in place.

Under the third option, enforcement would be focused around poor behaviour and corrective action. Most of the currently illegal ORV activity and public nuisances will remain illegal; however, individuals using their ATVs to access the ice over Lake Simcoe during the ice-fishing season will be able to do so legally without fear of

breaking the law. A by-law will be passed that prohibits riding ORVs on Town roads outside of the Waterfront Park Buffer Zone, which York Regional Police and Municipal Law Enforcement Officers can enforce. If Council proceeds with the third option as recommended by staff and the pilot is successful, the project can be expanded to include other types of ORVs, restrictions can be lessened, and the geographic area where ORVs are permitted on Town roads could be extended.

One of the main reasons to permit ORVs on Town roads only during the ice-fishing season is to keep Lake Drive and the other applicable roads safe during the summer months, during which there is an increase in residents and visitors using our waterfront parks, as well as increased pedestrian, cyclist, and passenger vehicle traffic. It is not ideal to have ORVs using the roads within the Waterfront Park Buffer Zone during the time of year when the roads are being used the most. Staff have considered the Lake Drive Functionality Assessment and at this time, the project manager has no concerns. If ORVs are permitted in the Waterfront Park Buffer Zone, they will be treated the same as any other motor vehicles in the Assessment.

Under the third option, ORVs will remain prohibited on Town roads outside of the Waterfront Park Buffer Zone and all Regional roads across Town, which means that large areas of Town will not be accessible by ORVs.

If the second or third options are chosen by Council, staff could return to Council at the first available Council Meeting in 2024 with a by-law. The Operations Department will need time to erect adequate signage as legislated by the Province, as well as signs to identify the Waterfront Park Buffer Zone. This signage will come at a considerable expense to the Operations Department of between \$30,000-\$50,000.

5. RELATIONSHIP TO STRATEGIC PLAN:

Should Council select Option 3, the decision would contribute to 'Diversifying our Local Economy' through continued support of Georgina's tourism sector.

6. FINANCIAL AND BUDGETARY IMPACT:

The ORV Working Group has identified an expense related to installation of signage that would be required within the Waterfront Park Buffer Zone if Council proceeds with the staff recommendation. There would be a one-time expense of between \$30,000-50,000 and a minimal expense recurring each year for maintenance

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

Although not legislated as a requirement, staff collected public input through an online survey and public information centre hosted at the Civic Centre.

8. CONCLUSION:

This report contains a recommendation for Council to implement a pilot project for the use of ORVs on Town of Georgina roads within the Waterfront Park Buffer Zone if Council would like to explore this option further.

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 – Public Survey Results