

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. LS-2024-0013

**FOR THE CONSIDERATION OF
COUNCIL**

May 29, 2024

SUBJECT: OFF-ROAD VEHICLE PILOT PROJECT UPDATE

1. RECOMMENDATION:

1. That Council receive Report No. LS-2024-0013 prepared by the Municipal Law Enforcement Division, Legislative Services dated May 29th, 2024, respecting an update on the Off-Road Vehicle Pilot Project.
2. That Council extend the Off-Road Vehicle Pilot Project to continue during the period from December 15th, 2024 to April 15th, 2025.

2. PURPOSE:

This report provides an update on the Off-Road Vehicle Pilot Project and seeks Council's approval to extend the pilot project during the period from December 15th, 2024 to April 15th, 2025.

3. BACKGROUND:

On July 12th, 2023, Council received Report No. LS-2023-0009 from the Municipal Law Enforcement Division with information from the Off-Road Vehicle Working Group and authorized a public consultation process to collect information about permitting Off-Road Vehicles (ORVs) on Town roads. 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 17th, 2024 to April 15th, 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 17th, 2024 to April 15th, 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.”

On January 17th, 2024, Council enacted By-law No. 2024-0003 (REG-1), which caused the Off-Road Vehicle Pilot Project to immediately come into effect. The Off-Road Vehicle Pilot Project ran from January 17th, 2024, to April 15th, 2024. An extensive communication plan was undertaken to educate the public about the pilot project, which included the use of the Town's website, the Town's social media, printed materials distributed to Town facilities, posters erected at Town facilities, and signage erected throughout the Town.

4. ANALYSIS:

During the pilot project, all ORVs excluding Off-Road Motorcycles (dirt bikes), as defined in the *Highway Traffic Act*, were permitted to operate on Town roads within the Waterfront Park Buffer Zone and the Ward 5 Catchment Area under the provisions of the Off-Road Vehicle By-law.

The provisions found in the Off-Road Vehicle By-law included:

- No person shall operate an Off-Road Vehicle on any Highway from two (2) hours after sunset until two (2) hours prior to sunrise the following day;
- No person shall operate an Off-Road Vehicle on any Highway between April 15 and December 15;
- No person shall operate an Off-Road Vehicle on any Boulevard at any time;
- No person shall operate an Off-Road Vehicle on any Sidewalk at any time;
- No person shall operate an Off-Road Vehicle on any Highway without Liability Insurance;
- No person shall operate an Off-Road Vehicle on any Highway without a License;
- No person shall operate an off-road vehicle on any Highway unless it meets the equipment requirements of Sections 7 to 15 of O. Reg. 316/03, and is operated in accordance with Sections 16 to 24 of O. Reg. 316/03; and
- On those Highways where Off-Road Vehicle use is permitted, no person shall operate such Off-Road Vehicle at a rate of speed greater than:
 - 20 kilometers per hour, if the speed limit established under the *Highway Traffic Act* or by municipal by-law for that part of the Highway is 50 kilometers per hour or less; or

- 50 kilometers per hour if the speed limit established under the *Highway Traffic Act* or by municipal by-law for that part of the Highway is greater than 50 kilometres per hour.
- An Off-Road vehicle operating on a Highway shall be driven on the shoulder of the Highway in the same direction as the traffic using the same side of the highway.

York Regional Police and the Town of Georgina Municipal Law Enforcement Division jointly enforced the Off-Road Vehicle By-law during the pilot project; however, the weather conditions during the pilot were not optimal to encourage ORV users to travel within the Waterfront Park Buffer Zone or the Ward 5 Catchment Area to access Lake Simcoe for ice fishing. Most of the lake remained inaccessible to ORVs due to warm temperatures. Neither York Regional Police nor the Municipal Law Enforcement Division observed as many ORVs on Town roads during the pilot project as expected.

Municipal Law Enforcement administrative staff tracked feedback received during the pilot project, which included complaints and general enquiries. The following phone calls and emails were received by staff regarding the pilot project:

- Eleven general enquiries regarding the rules contained in the Off-Road Vehicle By-law;
- Sixteen complaints about violations of the Off-Road Vehicle By-law;
- Nine out of the sixteen complaints were about dirt bikes, which were not included in the Off-Road Vehicle Pilot Project; and
- Four additional complaints were received about the Off-Road Vehicle Pilot Project, but not necessarily about specific violations.

Although dirt bikes were not included in the pilot project, they continued to be used illegally on Town roads during and after the pilot project. Only seven specific complaints (excluding dirt bike complaints) about ORV violations were received during the pilot project. These complaints were for underage riders, speeding, ORVs outside of the Waterfront Park Buffer Zone or Ward 5 Catchment Area, and ORVs riding within Town parks. All complaints were investigated by the Municipal Law Enforcement Division.

Although the weather may have reduced the number of ORV users riding on Town roads, the lack of complaints speaks volumes for ORV users who were riding in compliance within the provisions of the By-law. The number of complaints received by the Municipal Law Enforcement were less than anticipated by staff, and York Regional Police officers indicated that all the ORV users they stopped within the Waterfront Park Buffer Zone and Ward 5 Catchment Area were riding in compliance with the *Highway Traffic Act* and the Off-Road Vehicle By-law.

Moving forward, Council has four options to consider. One option is simply to repeal Off-Road Vehicle By-law No. 2024-0003 (REG-1), in which case all ORV operation

will be prohibited on Town roads, and enforcement of ORV use on Town roads will revert to York Regional Police. The Municipal Law Enforcement Division would continue to enforce the prohibition of motorized vehicles in our Town parks and on Town trails.

Option two is to repeal the Off-Road Vehicle By-law and enact a new by-law to prohibit the use of Off-Road Vehicles on all Town roads at all times of the year. If option two is chosen by Council, then the Municipal Law Enforcement Division would have the ability to enforce the prohibition of all ORVs on all Town roads in cooperation with York Regional Police.

Option three, which is recommended by staff, is to extend the Off-Road Vehicle By-law pilot project into the winter of 2024/2025 so that the project would run again from December 15th, 2024 until April 15th, 2025. Extending the pilot project would give staff another opportunity to collect data and evaluate the program, with the hopes that the weather would be more favourable for ORV use within the Waterfront Park Buffer Zone and the Ward 5 Catchment Area. If Council chooses this option, no amendment to the By-law will be necessary since the By-law already prohibits all ORV use on Town roads until December 15th, 2024.

The fourth option is to amend the Off-Road Vehicle By-law to open the boundaries of the Waterfront Park Buffer Zone and the Ward 5 Catchment Area. If the fourth option is chosen by Council, Council may still regulate what times of the day and how ORVs are operated within the Town of Georgina. Staff do not support the fourth option at this time, as we would like to have more time to evaluate the program before expanding it to other parts of the Town.

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 and the Ward 5 Catchment Area.

6. FINANCIAL AND BUDGETARY IMPACT:

Public education is key to the success of the Off-Road Vehicle Pilot Project. Six to seven thousand dollars will be spent on advertising the pilot project on mobile signs within the Waterfront Park Buffer Zone and the Ward 5 Catchment Area. It is expected that the funds will be allocated within the Municipal Law Enforcement Division's operating budget.

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. At the completion of the pilot project, the Town's website and social media were used to encourage the public to share their feedback on the pilot project by emailing the Municipal Law Enforcement Division. Three comments were received in favour of the pilot project and three negative comments were received regarding the pilot project. There are no applicable legislative requirements for public notice.

8. CONCLUSION:

This report contains a recommendation for Council to extend the Off-Road Vehicle Pilot Project for another winter season to enable staff to fully evaluate the use of ORVs on Town roads.

APPROVALS

Prepared By: Mike Hutchinson, Manager, Municipal Law Enforcement

Recommended By: Michael Bigioni, Director, Legislative Services

Approved By: Ryan Cronsberry, Chief Administrative Officer