

To: Committee of the Whole

From: Robert Haller, CAO - on behalf of the ATV Task Force

Date: April 19, 2011

Re: Final Report of the ATV Task Force

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## **Background:**

In October of 2010, a delegation of Tay Valley residents appeared before Council to present a petition requesting permission to drive ATV's on municipal roads. They provided information that provincial legislation does allow for ATV's on roads if a municipality passes a by-law to permit it. Council required further investigation in order to consider this request and established the ATV Task Force in November naming the following members:

Deputy Reeve Susan Freeman	Councillor Wayne Jordan
Joan Beshai	Steve Day
Rob Pierman	Jack Taylor

Inspector Gerry Salisbury, Public Works Superintendent John Simcock and CAO Kathy Coulthart-Dewey (later CAO Robert Haller) were named as non-voting staff support members to the task force.

The Task Force was given the following mandate:

The purpose of the Task Force is to provide advice to Council on whether or not to allow ATV usage on township roads. To fulfill its mandate it is anticipated the Working Group will, among other things:

- Research best practices from other local municipalities;
- Review associated insurance and liability issues;
- Consider the health and safety of residents and visitors, including ATV users, cyclists, pedestrians and motorists;
- Receive public feedback;
- Suggest suitable roads to allow access to and from different off-road trails, as well as user requirements and conditions, if allowance is supported; and
- Recommend an acceptable solution to Council by April 30, 2011.

## Analysis:

The CAO's, on behalf of the task force, gathered relevant legislation and statistics, gathered by-laws from other municipalities and conducted a survey of area municipalities as to their approval/non-approval and any best practices.

The task force met a total of 8 times and reviewed the relevant legislation, statistics, the municipal survey and similar by-laws, manufacturers' information. They also sought legal advice, insurance information and input from the OPP and Public Works on issues of implementation. The task force discussed nuisance concerns and the safety of the ATV drivers and safety for all other users of the road including pedestrians, cyclists and motorists. The task force also considered how such a policy would be implemented, communicated and enforced.

The Task Force voted unanimously to support the following recommendation:

Following a review of all aspects concerning the use of ATV's on municipal roads in Tay Valley Township, as per the Terms of Reference set out by Council, it is the recommendation of the ATV Task Force that Council pass a by-law in accordance with the Highway Traffic Act permitting the use of ATV's on all roads that fall under the authority of the Township, but under the following restrictions:

- All Provincial requirements for age, helmets, license, registration and insurance must be met and driver must be able to provide proof of each
- It become mandatory that all riders must pass a Township recognized ATV Safety Course by January 2013 and must be able to provide proof of such course.
- All ATV's on the road must maintain reflective markings on the front, rear and both sides of the ATV
- ATV would not be permitted on the roads between the hours of 11 pm and 4 am
- No studs or chains allowed on the road or shoulder
- Maximum ATV speed limit of 20 km per hour regardless of the automobile speed limit
- A schedule of Fines be attached to the By-law and properly registered with the courts to allow for effective enforcement
- That Township staff and the OPP monitor the use of ATV's on Township roads; recording all incidents and complaints which will be reported to the Tay Valley Police Services Board
- That Council receive the monitoring report and review this policy one year from the date of its original passing

With regard to implementation, education, monitoring and review, the Task Force also recommends:

- That staff meet with regional cycling network to inform them of ATV by-law and gain their input on issues of safety and sharing of the road
- That this policy and restrictions be communicated to the entire community by way of:
  - press release to media
  - prominent posting to Township website
  - letter to all Lake Associations and community groups
  - included in the Township's June brochure
- That this policy and restrictions be communicated to the OPP and Lanark County Council
- That signs be posted at all entry points to the Township clearly stating:
  - Authority for municipal roads only
  - Does not include Hwy 7 or County Roads
  - Does not include private roads
  - ATV speed Limits
  - All other restrictions
- That the Township recognize specific ATV Safety Courses and the Township promote all such courses
- Council may choose to designate "No ATV areas" within some neighbourhoods

**Recommendation:**

That Council receive this report from the ATV Task Force.