

Report to/Rapport au :

Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales

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**Submitted by/Soumis par : Nancy Schepers, Deputy City Manager
Directrice municipale adjointe, Planning and Infrastructure / Urbanisme et
infrastructure**

*Contact Person / Personne ressource: Derrick Moodie, Manager/Gestionnaire,
Development Review-Rural Services/Examen des projets d'aménagement-Services
ruraux, Planning and Growth Management/Urbanisme et Gestion de la croissance
613-580-2424, 15134 Derrick.Moodie@ottawa.ca*

CITY WIDE / À L'ÉCHELLE DE LA VILLE

Ref N°: ACS2012-PAI-PGM-0205

**SUBJECT: ALL TERRAIN VEHICLES ON CITY ROADS AND ROAD
ALLOWANCES**

**OBJET : VÉHICULES TOUT-TERRAIN SUR LES ROUTES ET EMPRISES
MUNICIPALES**

REPORT RECOMMENDATIONS

**That the Agriculture and Rural Affairs Committee receive this report for
information.**

RECOMMANDATIONS DU RAPPORT

**Que le Comité de l'agriculture et des affaires rurales prenne connaissance du
présent rapport.**

BACKGROUND

No by-law currently exists in the City of Ottawa permitting all terrain vehicles (ATVs) on City roads. An "open mike" presentation was made at Agriculture and Rural Affairs Committee on 29 September 2011 by the Nation Valley ATV Club suggesting that the City enact such a by-law and attempting to demonstrate benefits that could occur if such a by-law was enacted. As a result, there was a request from the Chair of Agriculture and Rural Affairs Committee (ARAC) that staff follow up. A copy of the Nation Valley ATV Club presentation is on file with the Clerk's Office. A copy of the Club's presentation is included in this report as Document 2 and the Club's proposed trail map is included in this report as Document 3.

DISCUSSION

As per the section 191.8 (1) of the *Highway Traffic Act (HTA)*, off road vehicles (ORVs) are not permitted on municipal roads in Ontario unless there is a by-law put in place by a municipality permitting them to do so: “*No person shall drive an off-road vehicle on a highway except in accordance with the regulations and any applicable municipal by-laws.*” The operation of these vehicles is governed by the *Off-Road Vehicles Act*. In addition, *Ontario Regulation 316/03* regulates the operation of off-road vehicles on highways.

ATVs are a specific type of Off-Road Vehicle that as per section 191.8 (3) and (4) of the *HTA* a municipality may designate in a by-law such things as which roads or parts of roads will allow ATVs, hours and/or months of operation, and speed limits.

Currently, ATVs are not permitted on the municipal roads in Ottawa since there has been no by-law enacted. The Ottawa Police Services website has information explaining the existing rules for ATV use in the City. A copy of the Police pamphlet with this information is included as Document 4 of this report, and it includes definitions of what, and what does not, constitute and All Terrain Vehicle as per the *Act*.

Several municipalities in Ontario, including many neighbouring Ottawa, have enacted by-laws permitting ATVs to be driven on municipal roads. Some of the municipalities are rural only, while other examples (i.e., Sudbury) have an urban and rural component similar to Ottawa.

There is a wide range of types of regulations enacted. Some simply permit the vehicles to use all municipal roads, while others have more complicated regulations detailing items such as which roads or parts of roads permit ATVs, hours and/or months of operation, and specific speed limits for ATVs. In addition, some municipalities have expiry dates on their by-laws so that the impacts of ATV usage on municipal roads can be evaluated over a period of time.

Document 1 provides an overview of several ATV-related municipal by-laws in Ontario.

RURAL IMPLICATIONS

This information report has no rural implications. However, if there was direction given to staff to propose a by-law permitting ATVs on City roads and road allowances in rural Ottawa, there would be possible implications on the road network, economic development benefits, affects (positive and negative) on quality of life, and expanded recreational opportunities in rural Ottawa. As well there could be implications on policing. By-law and Regulatory Services does not enforce by-laws affecting moving vehicles and/or those that are addressed under the Highway Traffic Act. Therefore, if such a by-law were to be enacted, enforcement would have to be undertaken by the Ottawa Police Service.

CONSULTATION

There was no public consultation in the preparation of this information report. Staff recommend however that public consultation take place if Committee and Council are interested in pursuing examining whether a by-law to allow ATVs on certain city roads in order to see if such a by-law is supported in the community. It is further recommended that more detailed discussions take place with affected Departments and agencies (including By-law and Regulatory Services, and the Traffic Management and Operational Support Branch), together with the Ottawa Police Service from the enforcement perspective, in order to determine if such a by-law is viable and to determine its impact on City infrastructure and resources.

LEGAL IMPLICATIONS

There are no legal impediments to receiving the report for information. However, it should be noted that under s. 44(1) of the *Municipal Act, 2001*, the City as road authority has the obligation to ensure that all users, including motorists, pedestrians and other users, are reasonably safe when travelling on its roadways. The obligation extends not only to issues of maintenance and repair of roadways, but in this case would also likely apply to the City's decision to allow a new class of users on its roadways. As such, it is recommended that, prior to considering a by-law to allow ATVs on some municipal roads, the potential impacts of doing so be examined from the perspective both of traffic safety as well as roadway infrastructure maintenance and repair.

RISK MANAGEMENT IMPLICATIONS

This information report does not present any risk implications.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this information report.

ACCESSIBILITY IMPACTS

There are no impacts to accessibility associated with this information report.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

TERM OF COUNCIL PRIORITIES

This information report does not have an impact on Term of Council priorities.

SUPPORTING DOCUMENTATION

- Document 1 Information chart on other municipal by-laws in Ontario regarding ATVs
- Document 2 Nation Valley ATV Club Presentation to ARAC on 30 September 2011
- Document 3 Nation Valley ATV Club proposed trail map
- Document 4 Ottawa Police Service ATV brochure

DISPOSITION

This is an information report only.